

## **Planning applications committee**

**Date:** Thursday, 08 August 2019

**Time:** 09:30

**Venue:** Mancroft room, City Hall, St Peters Street, Norwich, NR2 1NH

### **Committee members:**

#### **Councillors:**

Driver (chair)  
Maxwell (vice chair)  
Bogelein  
Button  
Huntley  
Lubbock  
Neale  
Ryan  
Peek  
Sands (M)  
Sarmezey  
Stutely  
Utton

#### **For further information please contact:**

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## Agenda

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<b>1</b>	<b>Apologies</b>	
	To receive apologies for absence	
<b>2</b>	<b>Declarations of interest</b>	
	(Please note that it is the responsibility of individual members to declare an interest prior to the item if they arrive late for the meeting)	
<b>3</b>	<b>Minutes</b>	<b>5 - 14</b>
<b>4</b>	<b>Planning applications</b>	
	Please note that members of the public, who have responded to the planning consultations, and applicants and agents wishing to speak at the meeting for item 4 above are required to notify the committee officer by 10:00 on the day before the meeting.	
	Further information on planning applications can be obtained from the council's website: <a href="http://planning.norwich.gov.uk/online-applications/">http://planning.norwich.gov.uk/online-applications/</a>	
	Please note:	
	<ul style="list-style-type: none"> <li>• The formal business of the committee will commence at 9.30;</li> <li>• The committee may have a comfort break after two hours of the meeting commencing.</li> <li>• Please note that refreshments will not be provided. Water is available</li> <li>• The committee will adjourn for lunch at a convenient point between 13:00 and 14:00 if there is any remaining business.</li> </ul>	
	<b>Summary of planning applications for consideration</b>	<b>15 - 16</b>
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<b>4(a)</b>	<b>Application no 19/00514/U - 58 Sandy Lane, Norwich, NR1 2NR</b>	<b>19 - 32</b>
<b>4(b)</b>	<b>Application no 19/00242/MA - Flordon House, 195 Unthank Road, Norwich, NR2 2PQ</b>	<b>33 - 50</b>

<b>4(c)</b>	<b>Application nos 19/00301/F &amp; 19/00302/L - 38A St Giles Street Norwich NR2 1LL</b>	<b>51 - 60</b>
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Date of publication: **Tuesday, 30 July 2019**





**Planning applications committee**

**10:30 to 13:10**

**11 July 2019**

Present: Councillors Driver (chair), Maxwell (vice chair), Bogelein, Button, Huntley, Lubbock, Peek, Neale, Sands (M), Sarmezey, Stutely, Utton and Wright

Apologies: Councillor Ryan

(All members listed as present above had attended the site visit to Norwich School at 9:00 that morning except Councillor Utton who declared an interest in the item.)

**1. Declarations of Interest**

Councillor Utton declared a pre-determined view in relation to item 3 (below), Applications 19/00381/L and 19/00403/F - Norwich School Refectory, The Close, Norwich, NR1 4DD because he had objected to the planning application. He would speak as a member of the public and then leave the room during the committee's determination of the application.

Councillor Stutely advised that he had spoken to residents in his role as ward council in relation to item 4 (below) Application no 19/00291/F - Fieldgate, Town Close Road to provide advice but he was not pre-determined.

Councillor Utton declared an 'other' interest in item 6 (below) Application no 19/00440/MA - St. Anne's Wharf, King Street, Norwich in that he was a member of Kings Street Resident's Association.

**2. Minutes**

**RESOLVED** to approve the accuracy of the minutes of the meeting held on 13 June 2019, subject to the following amendments in relation to item 3, Application no 18/011190/O – The Bungalow, Eaton Chase, Norwich, NR4 7QW, second paragraph:

Concern about noise and congestion in Ryrie Court from construction traffic and that if Ryrie Court has to close, many residents would not be able to access the nearest bus stop; that members visited Blakeney Court

should read:

Concern about noise and congestion in Ryrie Court from construction traffic and **if access from Pettus Road to Ryrie Court closed**, many residents would not be able to access the nearest bus stop; that members visited Blakeney **Close**

**3. Application nos 19/00403/F and 19/00381/L - Norwich School Refectory, The Close, Norwich, NR1 4DD**

(Councillor Utton had declared a pre-determined view in this item. He did not take part in the determination of this application.)

The planner presented the report with the aid of plans and slides. She also referred to the supplementary report of updates to reports, which was circulated at the meeting, containing a summary of an additional 5 letters of representation and a revised tree planting scheme and additional consultation response. The revised tree planting scheme provided technical corrections and extra detail on planting plans. It included a written response from the council's Landscape Architect which concluded that whilst provision for compensatory planting had been made due to the remoteness of the majority of the planting it did not account for the loss of an important tree/ tree group in the city centre.

The planner said the officer recommendation was to approve, it was a finely balanced recommendation. It balanced the community benefit, (Norwich School's community outreach programme, the opening up of views of heritage assets), against the significant impact on the townscape and biomass caused by the loss of trees. It was a scheme featuring high quality design and building specification and on balance officers had found in favour of the scheme but it was for members to determine the application.

Councillor Utton addressed the committee with his objection, he noted that the council was not following their own policies and the application was counter to planning objectives DM1, DM6 and DM7. In the current situation with concern mobilising around a climate change emergency how could it be said that the protection of trees and air quality was less important than other considerations. To be a low carbon healthy city was the strategic direction of the council and this application went against that.

The applicant, the headmaster for the Norwich School addressed the committee, the status quo was not tenable, and the buildings on site were not functionally fit for purpose. The process of bringing the application to committee had taken three years and looked at many alternatives to achieve the best option. The loss of twelve trees on site was to be regretted. That number of trees would be replaced onsite and a greater number off site at land available to the school. The design of the new refectory was to a high specification, it was energy efficient, and the opening up of a gate into the precinct wall would reduce vehicular movements. The landlord of the site supported the application, there were no objections received from Historic England. The new building would be available for community groups and charitable enterprises to rent on a pro bono or reduced rate. This would open up access to and appreciation of the heritage assets on site.

Alex Ivey, a volunteer at a local charity 'Friend Indeed' which aimed to tackle social isolation by providing an opportunity for children and older people to interact addressed the committee. The charity had been operating for 18 months during which period the Norwich School had supported them. The charity held two inter-generational sports days at the school. The use of the school provided a great opportunity and its use as a community resource should be recognised as part of the application.

The area development manager (inner) introduced the council's landscape architect and lead arboricultural officer and advised they were available to answer committee member's questions. In response to a member question the planner advised an archaeological report would be prepared if the application was approved as part of the conditions. Discussion ensued regarding the removal of trees at the site. The lead arboricultural officer said it was difficult to establish the age of the London Plane tree on the site, it was shown on historical maps from the 1800s. She explained the tree would not have self-seeded but would have been planted as part of a considered plan. In terms of the life cycle of a London Plane tree there was an existing tree at Ely cathedral which had been established as being there since 1500s. As regards the discrepancy in the categorisation of the London Plane tree on site which was covered by a Tree Preservation Order (TPO) the lead arboricultural officer said it was clear the tree meet the higher category. Early in the application process the applicant had raised the issue of the tree's roots being compromised, explorations around the roots since conducted found them to be fine. She advised that trees were only categorised on developments and it was not possible to say how many category A trees there were in the city.

In response to a member's question regarding building around the London Plane tree the planner said the preferred option was to retain the trees on site but a number of constraints existed, the electrical sub station and the historic buildings surrounding the site. The roots of the trees precluded the development.

The landscape architect said the indicative planting scheme for trees to be replaced within the precinct was for trees 12-14cm in girth, approximately 5-10 years in age with one larger tree of 18-20cm girth. The planting plan for the trees located offsite was detailed in the report but consisted of trees largely 12-14cm in girth at a height of 3m. In response to a member question on mitigation measures regarding the removal of the trees on site, the planner directed the committee to paragraph 123 of the report. In response to a member question regarding the council assisting with the finding of land in the city centre for the replacement planting of trees, the planner said the council's parks and opens spaces team were not resourced to find council land for replanting of trees in the city centre. The area development manager (inner) said the future maintenance of large number of trees would then fall to the council. The replanting off site would be included as part of a S106 agreement, the trees included as part of the conditions of the agreement would be protected for 40 years. If the school sold the land the new owner would be bound by that agreement.

(Councillor Utton left the meeting at this point.)

The chair moved the recommendations as set out in the report seconded by the vice chair.

Members expressed concern about the removal of the London Plane tree which was protected by a TPO and the resulting loss of bio-mass in the city centre. Members considered the application was finely balanced and weighed up the benefit of the facility to the school and wider community, high quality design of the build against the impact on the streetscape and loss of bio-mass.

Councillor Stutely said that the committee should have regard to policy DM7 and he could not vote in favour of the application.

On being put to the vote with 5 members voting in favour (Councillors Driver, Lubbock, Maxwell, Peek and Sands (M)) and 6 members voting against (Councillors Bogelein Button, Huntley, Neale, Sarmezey and Stutely) the motion to approve Application no 19/00381/F - Norwich School Refectory, The Close, Norwich, NR1 4DD was lost.

Councillor Bogelein then moved a recommendation, seconded by Councillor Button, to refuse the application due to the loss of trees and the, impact on biodiversity, visual amenity and harm to the conservation area; and it was:

**RESOLVED** with 6 members voting in favour (Councillors Bogelein Button, Huntley, Neale, Sarmezey and Stutely) and 5 members against (Councillors Driver, Lubbock, Maxwell, Peek and Sands (M)) to refuse Application no 19/00381/F - Norwich School Refectory, The Close, Norwich, NR1 4DD due to the loss of trees and the, impact on biodiversity, visual amenity and harm to the conservation area; and to ask the head of planning services to provide the reasons for refusal in policy terms.

The chair moved the recommendation, as set out in the report, in relation to application no 19/00403/L, seconded by the vice chair.

On being put to the vote with 5 members voting to approve (Councillors Driver, Lubbock, Maxwell, Peek and Sands (M)) and 6 members voting against (Councillors Bogelein Button, Huntley, Neale, Sarmezey and Stutely) the motion to approve Application no 19/00381/L - Norwich School Refectory, The Close, Norwich, NR1 4DD was lost.

Councillor Bogelein moved a recommendation seconded by Councillor Button to refuse the application 19/00381/L due to the lack of a clear and convincing justification in the absence of a redevelopment scheme.

**RESOLVED** with 6 members voting in favour (Councillors Bogelein, Button, Huntley, Neale, Sarmezey and Stutely) and 5 members voting against (Councillors Driver, Lubbock, Maxwell, Peek and Sands (M)) to refuse approval for Application no 19/00381/L - Norwich School Refectory, The Close, Norwich, NR1 4DD due to the lack of clear and convincing justification in the absence of a redevelopment scheme and to ask the head of planning services to provide the reasons for refusal in policy terms.

(The committee adjourned for a short break at this point. The committee reconvened with all members as listed above and Councillor Utton was readmitted to the meeting at this point.)

#### **4. Application no 19/00291/F - Fieldgate, Town Close Road, Norwich, NR1 4DD.**

The area development manager (inner) advised that the officer recommendation had changed from to approve the application to a recommendation to defer consideration of the item to a later committee. He referred to the supplementary report of updates to reports, which was circulated at the meeting, containing a summary of an additional 2 letters of representation, a further letter from a previous objector and a letter and heritage statement from two consultants acting on behalf of a neighbour. He said the heritage statement at 28 pages raised a number of issues which needed



to be addressed in greater detail than in the updates report. Deferral was recommended in order to give time for a response to be completed.

**RESOLVED**, unanimously, to defer consideration of Application no 19/00291/F - Fieldgate, Town Close Road, Norwich, NR1 4DD to a later committee.

**5. Application nos 18/01681/F and 18/01682/L - 58 Bracondale, Norwich, NR1 2AP.**

The planner presented the report with the aid of plans and slides. She referred to the supplementary report of updates to reports, which was circulated at the meeting and contained an amendment to the report.

Members discussed the fact that residents of new dwellings were not entitled to parking permits and how this was conveyed to them. The planner advised that if the application was approved one of the conditions of approval would be a management plan and this would require the parking terms to be made clear in any leases or tenancies. In response to a member question on the tower the planner advised that it had no services connected to it.

The chair moved the recommendations seconded by the vice chair.

**RESOLVED**, unanimously, to approve:

(1) application no. 18/01681/F - 58 Bracondale Norwich NR1 2AP and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Details of any extract and ventilation prior to installation
4. Bin and cycle storage provided prior to occupation
5. Parking layout demarcated prior to occupation
6. Management plan for garden area agreed prior to occupation and compliance for lifetime of development
7. Work in accordance with tree method statement
8. Tree protection
9. Prior to the occupation of any of the flats, the works to the tower shall be completed in accordance with 18/01682/L
10. Use of tower incidental to the enjoyment of 'Flat 2' only and no use as a separate dwelling
11. Water efficiency
12. Requirement that the garden should not be sub-divided and the removal of permitted development rights to erect boundary treatments other than those shown on the approved plan.

(2) application no. 18/01682/L - 58 Bracondale Norwich NR1 2AP and grant listed building consent subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Any damage to be made good as agreed with LPA
4. Repair and making good to match adjacent work

5. Features not previously identified to be retained and reported to LPA
6. Demolition of front boundary wall to be undertaken by hand and salvageable bricks re-used
7. Details of: all new windows; bi-fold door; rooflights; tower roof; guardrail replacement staircase to tower; blocking up openings; service provision; waste water management; fire proofing; thermal and/or acoustic protection/insulation, any new electric fitting or appliance in tower; and, stud work.
8. Internal door schedule
9. Full schedule of repairs to tower
10. Management plan
11. Historic building recording

#### Informatives

1. Further works may need listed building consent
2. Retention of fabric
3. Works to trees in Conservation Area
4. New dwellings not entitled to parking permits

#### Article 31(1)(cc) statement

The local planning authority in making its decision has had due regard to paragraph 38 of the National Planning Policy Framework as well as the development plan, national planning policy and other material considerations, following negotiations with the applicant and subsequent amendments to propose a use for the tower and reduce the alterations to the house and tower, the applications are recommended for approval subject to appropriate conditions and for the reasons outlined in the officer report.

#### **6. Application no 19/00440/MA - St. Anne's Wharf, King Street, Norwich.**

(Councillor Utton had declared an interest in relation to this item).

The area development manager (inner) presented the report with the aid of plans and slides. He referred to the supplementary report of updates to reports, which was circulated at the meeting, containing a further representation from the Norwich Society withdrawing their objection to the application following a visit to the scheme and two further conditions were recommended.

A member asked if the social housing provision at the scheme was affected by the revisions within the application, the area development manager (inner) advised that it was not.

The area development manager (inner) explained that as planning consent had already been granted the consideration of this variation was constrained by the original consent which had been granted. Conditions that were more onerous than in the original consent could not be added to the variation.

The chair moved the recommendations, as set out in the report and as amended in the supplementary update report, seconded by the vice chair.

**RESOLVED**, with 10 members voting in favour (Councillors Driver, Maxwell, Bogelein, Button, Huntley, Lubbock, Neale, Peek, Sands (M) and Sarmezey), 1 member voting against (Councillor Utton) and 1 member abstaining from voting (Councillor Stutely) to approve Application no 19/00440/MA - St. Anne's Wharf, King Street, Norwich and grant planning permission subject to the following conditions and deed of variation of the S106 obligation. Conditions imposed in relation to 04/00605/F and 16/01893/VC are re-imposed and modified to take account of conditions already discharged and the new details approved.

1. In accordance with plans;
2. Materials (other)
3. Approved window and balcony system and plan
4. Phasing plans
5. Development in accordance with approved energy efficiency measures
6. Archaeology for blocks A1, A2, A3, E1, F1, F2, F G1, G2, G3, G4, H1, H2, H3, H4.
7. Updated Archaeology information for blocks B1, B2, B3, B4, C1, C2, D1, D2, D3, D4.
8. Unexpected contamination
9. Imported topsoil and subsoil
9. Hard and soft landscaping – approval and implementation
10. Replacement of trees/shrubs
11. Plant and machinery
12. Management Agreement:
  - (a) a restrictive servicing arrangement to take place outside the hours of 1030 to 1630 on any day;
  - (b) servicing vehicles to travel in a clockwise direction from Mountergate (adjacent Baltic House) through to King Street (via St Anne Lane);
  - (c) maintenance of the landscaping and planted areas;
  - (d) cleaning of litter from the permissive and pedestrian routes;
  - (e) telecommunications, communal satellite and terrestrial aerials arrangements for the development.
12. Agreement of flues, extraction, ventilation or filtration equipment in relation to A3 uses
13. No materials shall be kept, deposited or stored in the open
14. Agreement and implementation of refuse and cycle storage areas
15. There shall be no amplified sound in any of the restaurants (Class A3) or retail (Class A1) units before the Local Planning Authority has agreed details
16. Servicing areas shall be clearly marked, and available for use
17. Restricted goods - retail units
18. Parking details to be agreed
19. The Riverside Walk and other permissive and pedestrian routes shall be constructed and provided in accordance with a scheme to be first approved by the Local Planning Authority and shall thereafter be permanently retained.
20. Street lighting in accordance with approved details.
21. Nest boxes for birds and bats
22. Interpretation of archaeological investigation/ former Synagogue Street; the sacrifices of Corporal Day VC.
23. Fire Hydrants
24. Travel plan
25. Directional signage.
26. Landscaping and layout details of courtyard D to be agreed.

27. Specification of windows facing King Street to be agreed to ensure adequate soundproofing.

**Article 32(5) statement**

The local planning authority in making its decision has had due regard to paragraph 187 of the National Planning Framework as well as the environmental information submitted, the development plan, national planning policy and other material considerations, following negotiations with the applicant and subsequent amendments to the Environmental Statement the application has been approved subject to appropriate conditions outlined above.

**7. Application no 18/01058/F - Land Rear of 50 to 54 Gertrude Road, Norwich, NR3 4SF**

The planner presented the report with the aid of plans and slides. She referred to the supplementary report of updates to reports, which was circulated at the meeting, and contained a summary of additional comments received and the officer response.

A local resident addressed the committee, the area was run down and development was welcome. However, suggestions made to mitigate the overall appearance of the development had been dismissed by the planner. The local resident said the planning department had an inconsistent approach to planning applications and considered the dimensions and design of the new development was out of keeping with existing properties in the area.

In response to the local resident's comments and a member's question the planner advised that the plans received were drawn by an architect and were accurate.

In response to a member's question the planner advised the development boundary closest to Mousehold Heath would have a green boundary treatment which could include screens and hedging. The detail of construction including fire retardation of walls would be covered under building regulation legislation as a separate matter to the planning process.

The chair moved and the vice chair seconded the recommendations as set out in the report.

**RESOLVED**, unanimously, to approve application no 18/01058/F - Land Rear of 50 to 54 Gertrude Road, Norwich, NR3 4SF and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Details of materials;
4. Landscaping scheme – to include details of hard surfaces, lighting, green roofs, boundary treatments, biodiversity mitigation and tree replacement;
5. Surface water drainage details;
6. Construction management plan;
7. In accordance with ecology report;
8. Bird nesting season;
9. Water efficiency;

10. Removal of permitted development rights for rear extensions, outbuildings, porches, boundary treatments.

**8. Application no 19/00119/F - 120 Earlham Green Lane, Norwich, NR5 8HF**

The area development manager (outer) presented the report with the aid of plans and slides. He referred to the supplementary report of updates to reports, which was circulated at the meeting, and contained an update on materials to be used in the build.

In response to a member question the area development manager (outer) advised the dormers in the application were a similar size to others already present in other properties in the street as set out in the report.

The chair moved the recommendations, as set out in the report seconded by the vice chair.

**RESOLVED**, unanimously, to approve application no 19/00119/F - 120 Earlham Green Lane, Norwich, NR5 8HF and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Use as a C3 dwelling house or C4 small scale HMO only.

**9. Application no 19/00491/F - 65 Cunningham Road, Norwich, NR5 8LX**

The area development manager (outer) presented the report with the aid of plans and slides.

In response to member's questions the area development manager (outer) said whilst the application resulted in a loss of garden space, there was still a significant garden left.

The chair moved and the vice chair seconded the recommendations as set out in the report.

**RESOLVED**, unanimously, to approve application no 19/00491/F - 65 Cunningham Road, Norwich, NR5 8LX and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Section 75 compliance / use as a C3 dwelling house or C4 small scale HMO only.

CHAIR



# Summary of planning applications for consideration

## ITEM 4

08 August 2019

Item No.	Application no	Location	Case officer	Proposal	Reason for consideration at committee	Recommendation
4(a)	19/00514/U	58 Sandy Lane	Charlotte Hounsell	Change of use from former hair salon (Class A1) to community facility (Class D1).	Objections	Approve
4(b)	19/00242/MA	195 Unthank road	Charlotte Hounsell	Material amendment to previous permission 17/01791/F to allow a revised rear elevation.	Objections	Approve
4(c)	19/00301/F & 19/00302/L	Chestnut Nursery School, 38A St Giles Street	Lara Emerson	Remove existing extract system and tie bracket and installation of plate axial fan in fan box. Installation of external condensing unit.	Objections	Approve
4(d)	19/00383/F	28 Cotman Road	Jacob Revell	Demolition of existing utility room and attached enclosure and construction of single storey front, side and rear extensions.	Objections	Approve
4(e)	19/00851/F	9 Weatherby Road	Stephen Little	Single storey rear extension, dormer roof extension and garage.	Objections	Approve





## **STANDING DUTIES**

**In assessing the merits of the proposals and reaching the recommendation made for each application, due regard has been given to the following duties and in determining the applications the members of the committee will also have due regard to these duties.**

### **Equality Act 2010**

It is unlawful to discriminate against, harass or victimise a person when providing a service or when exercising a public function. Prohibited conduct includes direct discrimination, indirect discrimination, harassment and victimisation and discrimination arising from a disability (treating a person unfavourably as a result of their disability, not because of the disability itself).

Direct discrimination occurs where the reason for a person being treated less favourably than another is because of a protected characteristic.

The act notes the protected characteristics of: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The introduction of the general equality duties under this Act in April 2011 requires that the council must in the exercise of its functions, have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by this Act.
- Advance equality of opportunity between people who share a relevant protected characteristic and those who do not.
- Foster good relations between people who share a relevant protected characteristic and those who do not.

The relevant protected characteristics are: age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation.

The council must in the exercise of its functions have due regard to the need to eliminate unlawful discrimination against someone due to their marriage or civil partnership status but the other aims of advancing equality and fostering good relations do not apply.

### **Crime and Disorder Act, 1998 (S17)**

- (1) Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its

various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.

- (2) This section applies to a local authority, a joint authority, a police authority, a National Park authority and the Broads Authority.

### **Natural Environment & Rural Communities Act 2006 (S40)**

- (1) Every public authority must, on exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity.

### **Planning Act 2008 (S183)**

- (1) Every Planning Authority should have regard to the desirability of achieving good design

### **Human Rights Act 1998 – this incorporates the rights of the European Convention on Human Rights into UK Law**

#### ***Article 8 – Right to Respect for Private and Family Life***

- (1) Everyone has the right to respect for his private and family life, his home and his correspondence.
- (2) There shall be no interference by a public authority with the exercise of his right except such as in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the rights and freedoms of others.
- (3) A local authority is prohibited from acting in a way which is incompatible with any of the human rights described by the European Convention on Human Rights unless legislation makes this unavoidable.
- (4) Article 8 is a qualified right and where interference of the right can be justified there will be no breach of Article 8.

**Report to** Planning applications committee

**Item**

8 August 2019

**Report of** Head of planning services

**Subject** Application no 19/00514/U - 58 Sandy Lane, Norwich,  
NR1 2NR

**Reason  
for referral** Objections

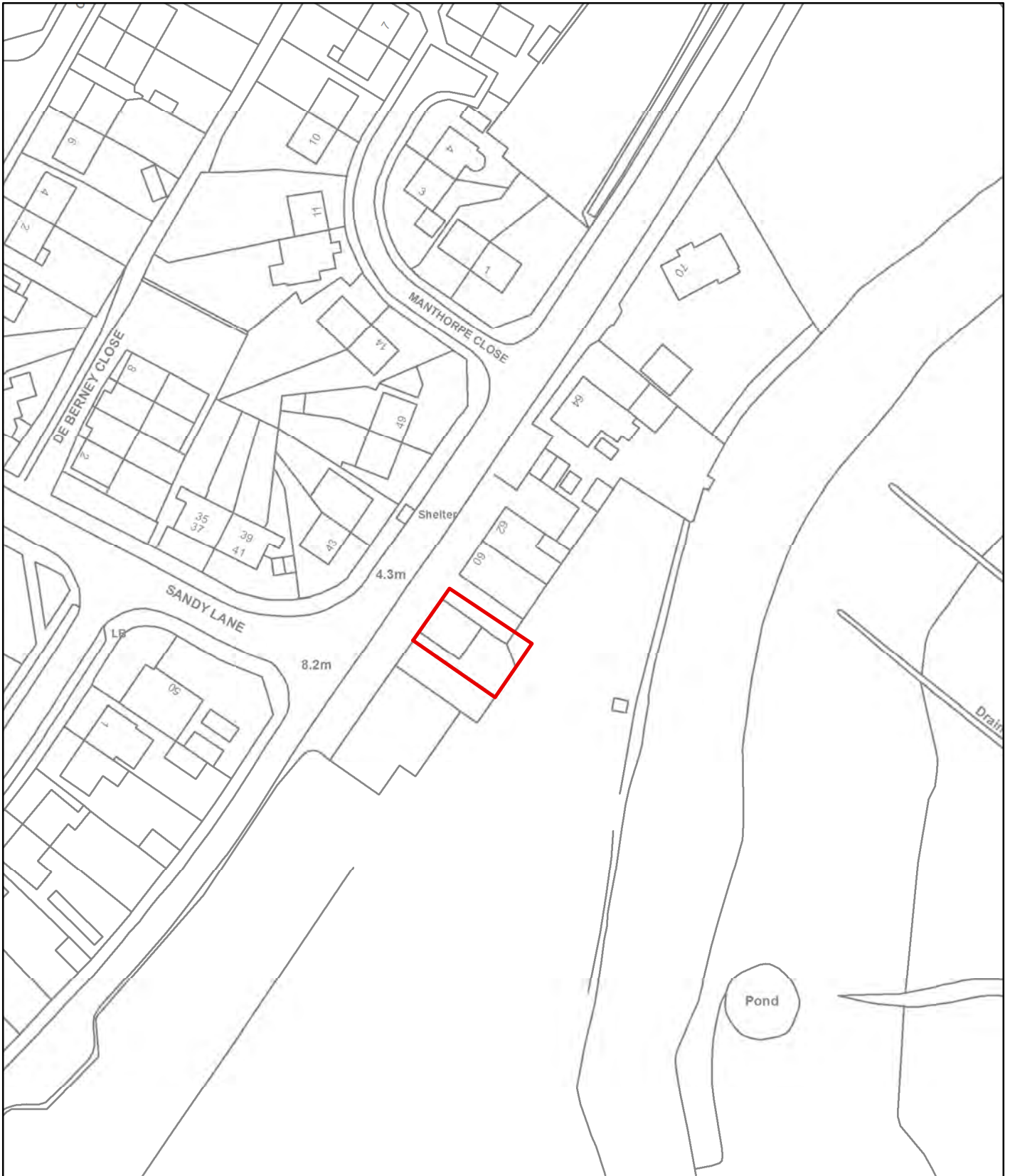
4(a)

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<b>Ward:</b>	Lakenham
<b>Case officer</b>	Charlotte Hounsell - <a href="mailto:charlottehounsell@norwich.gov.uk">charlottehounsell@norwich.gov.uk</a>

Development proposal		
Change of use from former hair salon (Class A1) to community facility (Class D1).		
Representations		
Object	Comment	Support
190 & petition (123 signatures)	4	44

Main issues	Key considerations
1	Principle of use
2	Transport
3	Amenity
<b>Expiry date</b>	3 June 2019
<b>Recommendation</b>	Approve



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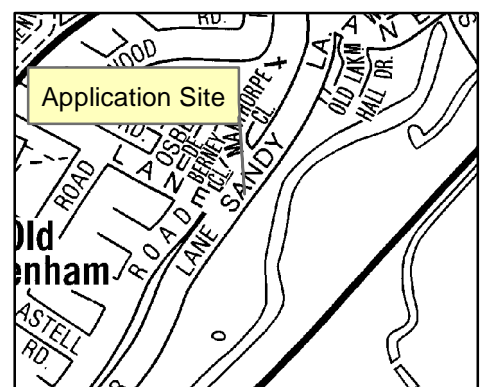
Planning Application No 19/00514/U  
 Site Address 58 Sandy Lane

Scale 1:1,000



**NORWICH**  
 City Council

**PLANNING SERVICES**



## The site and surroundings

1. The site is located on the South East side of Sandy Lane close to the River Yare. The site consists of a small single storey building which has been operating as a hairdressers/barbers until vacant approximately a year ago. To the front of the site is an area of hardstanding which accommodates four off-road parking spaces. The hardstanding extends along the North Eastern elevation of the building to the rear of the site where there are some small sheds/lean-to structures. There are a number of trees along the rear boundary of the site. The site is located within a small row of six commercial units however the wider surrounding area is predominantly residential in character. To the east of the site is the Yare Valley Character Area.

## Relevant planning history

2.

Ref	Proposal	Decision	Date
08/01168/F	Replace existing shopfront and recover with white plastic. Fit new door and windows (Upvc). Remove existing roof fascia and soffit and replace with new white plastic. Lay new tarmac surface on parking forecourt.	APPR	05/01/2009
17/00776/F	Demolition of existing single storey unit. Erection of 2 No. commercial units with 2 No. two bedroom flats above.	APPR	22/08/2017
18/01049/F	Demolition of existing single storey unit to form 2 commercial units with 2 no. 2 bed flats.	APPR	22/08/2018

## The proposal

3. The proposal is for the change of use from a hair salon to a community facility.
4. Information has been provided by the applicant to indicate the type of activities that would take place at the site. This includes drop in tea/coffee, counselling, after school activities, Arabic classes, group prayer, adult workshops/crafts, Friday prayer, homework club and women's activities.
5. A number of the activities are directed towards the Muslim community, however, the applicant has outlined that the facility is for use by all members of the community.
6. The proposal does not involve any external alterations or extensions to the building to facilitate the change of use.

## Summary information

<b>Proposal</b>	<b>Key facts</b>
<b>Scale</b>	
Total floorspace	<b>61m2 (as existing)</b>
<b>Operation</b>	
Opening hours	<b>08:00 – 23:00 every day. Later hours during Ramadan</b>
<b>Transport matters</b>	
Vehicular access	<b>Existing access from Sandy Lane onto hardstanding</b>
No of car parking spaces	<b>4 No. visitor spaces 2 No. staff spaces</b>
No of cycle parking spaces	<b>6 cycle parking spaces within store in rear garden</b>
Servicing arrangements	<b>Ample space within rear yard for servicing</b>

## Representations

7. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. 239 letters of representation and one petition have been received citing the issues as summarised in the table below. All representations are available to view in full at <http://planning.norwich.gov.uk/online-applications/> by entering the application number.

<b>Issue raised</b>	<b>Response</b>
Confusion over use of building as a mosque	See Main Issue 1
The premises should be used for a business use to contribute towards jobs and employment in the area.	See Main Issue 1
There are a number of other community centres in the nearby area.	See Main Issue 1
The facility would not cater for all of the community	See Main Issue 1
Late nights and disturbance could impact wildlife	See Main Issue 1

Issue raised	Response
Lack of parking provision on site	See Main Issue 2
Impact on neighbouring businesses due to lack of parking and access. Would not use local premises due to congestion.	See Main Issue 2
Existing traffic issues which will be exacerbated. Busy bus stop opposite the building which could cause parking and traffic problems.	See Main Issue 2
Noise disturbance from late opening times, number of people attending/leaving, car doors slamming, amplified sound etc.	See Main Issue 3
Impact on conservation area	The site is not located within or adjacent to a conservation area and therefore heritage impacts have not been considered further.
Better to see the building in use than empty.	Noted.
A good community resource. Supportive of a place where everyone can learn about Islam. Improved community cohesion.	Noted.
Safety concerns from people congregating late at night	See Main Issue 3 – the management plan to reduce noise would also serve to prevent people congregating outside at unsociable hours.
What consideration has there been for flooding	See Other Matters
Concerned about impact on property value	See Other Matters
A lot of heavy machinery would be needed to build a facility of this size on local roads which are not in the best condition.	This application does not propose demolition or rebuild, only internal refurbishment. Therefore impacts of construction traffic are not considered to be significant for a unit of this size and have not been considered further.
There has been no public notice of this application. No real consultation is taking place.	As this application relates to a building that is not listed and is not located within a conservation area a site notice is not required to be erected. The Council's

Issue raised	Response
	standard consultation process for this type of application has been undertaken.

8. During the formal consultation process, an anonymous third party circulated a flyer in the local area entitled 'Does Norwich need a 2,300sq foot mosque here?' This appeared to be accompanied by response cards pre-addressed to the Planning Department at Norwich City Council encouraging objections to the application on the basis of: congestion and parking, residential disturbance and jobs and employment. It should be noted that the 2,300sq feet equates to 214sqm. The existing building is 61sqm and is not proposed to be extended.
9. A number of representations were received which gave no reason for objection or support, were anonymous or, regrettably made defamatory or offensive comments. In accordance with the council's policy, these shall not be taken into consideration.

## Consultation responses

10. Consultation responses are summarised below the full responses are available to view at <http://planning.norwich.gov.uk/online-applications/> by entering the application number.

### Highways (local)

11. No objection on highway grounds. There is unrestricted on-street parking available near the premises when additional parking is needed and adequate waiting restrictions. It would be helpful if the operator of the premises completed a Travel Information Plan to encourage travel by sustainable modes and car sharing. Informative: It is planned that Sandy Lane will be made a 20mph zone with traffic calming features such as mini roundabouts and there will be new extents of waiting restrictions

## Assessment of planning considerations

### Relevant development plan policies

12. **Joint Core Strategy for Broadland, Norwich and South Norfolk adopted March 2011 amendments adopted Jan. 2014 (JCS)**
  - JCS6 Access and transportation
  - JCS7 Supporting communities
  - JCS8 Culture, leisure and entertainment
13. **Norwich Development Management Policies Local Plan adopted Dec. 2014 (DM Plan)**
  - DM1 Achieving and delivering sustainable development
  - DM2 Ensuring satisfactory living and working conditions
  - DM6 Protecting and enhancing the natural environment
  - DM11 Protecting against environmental hazards
  - DM18 Promoting and supporting centres



- DM22 Planning for and safeguarding community facilities
- DM28 Encouraging sustainable travel
- DM30 Access and highway safety
- DM31 Car parking and servicing

### **Other material considerations**

#### **14. Relevant sections of the National Planning Policy Framework 2019 (NPPF):**

- NPPF2 Achieving sustainable development
- NPPF7 Ensuring the vitality of town centres
- NPPF8 Promoting healthy and safe communities
- NPPF9 Promoting sustainable transport
- NPPF15 Conserving and enhancing the natural environment

### **Case Assessment**

15. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Relevant development plan policies are detailed above. Material considerations include policies in the National Planning Framework (NPPF), the council's standing duties, other policy documents and guidance detailed above and any other matters referred to specifically in the assessment below. The following paragraphs provide an assessment of the main planning issues in this case against relevant policies and material considerations.

### **Main issue 1: Principle of development**

16. Key policies and NPPF paragraphs – DM6, DM17, DM18, DM22, NPPF sections 7 and 8
17. The site is located within the Yare Valley Character Area. Policy DM6 seeks to protect this area from development that would damage environmental quality, biodiversity or character of the area. Any granting of consent should include conditions requiring details of any lighting or noise generating equipment to be submitted for approval prior to installation so that the impacts upon the Yare Valley can be fully considered. Given that the proposal does not involve the extension or external alteration of the building, and subject to further assessment (below) of the intensity of the use of the site, the proposal is not considered to result in harm to environmental quality, biodiversity or the character of the area.
18. The existing unit is within Use Class A1 as a hair salon/barbers. A number of representations were concerned with the loss of the commercial unit and felt that a new use should promote jobs and employment in the surrounding area.
19. The site was previously granted permission for demolition and the construction of two ground floor commercial units with residential units above. Information has been submitted indicating that the unit has been vacant for approximately one year, and that there has been little interest in implementing the previous permissions for this site.
20. 58 Sandy Lane is located outside of a defined centre and therefore there are no specific local plan policies to protect against the loss of the A1 unit in this instance.

21. The proposed use is as a community centre which falls within use Class D1 (non-residential institutions). There was confusion over the proposed use within the representations received; in particular respondents were concerned that the site was to become a large mosque. The community centre proposes to offer a variety of social and educational activities for the community, including drop in tea/coffee, counselling, after school activities, Arabic classes, adult workshops/crafts, homework club and women's activities. Five daily prayers are a feature of Islam and therefore it is understood that acts of prayer and worship would take place when prayer times coincide with other activities within the building. The only regular events which are specifically for worship is group prayer sessions in the evenings and the main Friday prayer that occurs around lunchtime.
22. Places of worship are considered to be a Main Town Centre Use as defined within the NPPF. In this instance, acts of prayer and worship are considered to be an ancillary activity as part of the overall community use and therefore the proposal is not considered to constitute a specific place of worship use. Nonetheless, policies DM18 and DM22 seek for community facilities to be located within defined centres. Where community uses are not proposed within defined centres they must demonstrate that the proposal could not be accommodated on any reasonable alternative or available site within or adjacent to a centre; that the proposal would not be significantly harmful to the vitality and viability of the centres or that there are overriding community, amenity and environmental benefits from an out of centre location.
23. The applicant has submitted a sequential assessment to show the other available premises they have identified to demonstrate compliance with policies DM18 and DM22. Particular building requirements have been outlined in terms of size, tenure and budget. The sequential assessment search area would ordinarily be expected to cover all of the defined centres in the City. In this instance, the search area has been limited to Tuckswood and Lakenham. Additional information has been provided outlining that there is a small Muslim community with no established community engagement in this area. Some members of the Muslim community do not drive and are therefore isolated from larger facilities such as the Islamic Centre on Rose Lane. As such, the focus for the proposed use has been on a local facility within walking distance. The applicant has been searching for premises for approximately 2 years and they have provided sufficient information to demonstrate that the community facility could not be located in a sequentially preferable location.
24. With regards to the contribution the proposal would make to the well-being and social cohesion of local communities, the representations received offer diverse views on this point but include identification of a need for this facility by the Muslim community. It must be considered that any permission would be for ancillary worship by any religion and is not specific to Islam. Places of worship are key community facilities which offer significant opportunities to support the well-being and social cohesion of communities. The applicant has made specific reference to educating the wider public and for the local community to come together.
25. Therefore officers consider that the requirements of policy DM18 and DM22 have been satisfied and that the principle of development is acceptable.
26. As above, there has been some confusion over the proposed use of the building, with many representations citing the use as a mosque. Paragraph 21 outlines that acts of prayer and worship would form part of the activities provided at the

premises, however the use would be primarily as a community facility and not as a mosque.

27. Given that Use Class D1 encompasses a wide range of uses, it would be pertinent to include a condition restricting certain uses as they may give rise to impacts that need to be considered fully by the local planning authority before they are implemented. In this instance, officers consider that a place of worship should not be listed as a restricted use as it is not considered that there would be any materially different impacts or harm if the site were to be operated in this way when compared with a community facility.
28. This draws on recent experience from 286 Dereham Road which is currently operated as a community facility by the Norwich and Norfolk Muslim Association (NNMA). Permission was granted for the building to be a community facility on the understanding that acts of prayer and worship would be an ancillary activity (Ref: 11/00071/U). A condition was applied to the permission restricting certain Class D1 uses, including as a place of worship. Subsequent to this, the council received complaints that the facility was being used as a place of worship in breach of condition. Whilst the prayer and worship activities could have been argued to be ancillary, given that there was no material harm in these activities taking place it was considered more appropriate to vary the condition to explicitly permit such activities. As such, it is proposed to include a condition to this effect on the current permission.

## **Main issue 2: Transport**

29. Key policies and NPPF paragraphs – JCS6, DM28, DM30, DM31, NPPF section 9
30. Many of the representations received cited concerns with the lack of parking provision on site and that this would result in increased pressure on on-street parking in an area which already has traffic problems. Concern was also raised that the businesses in the surrounding area may be prejudiced by the parking pressures resulting from the proposed use.
31. In accordance with Appendix 3 of the Local Plan, a community facility would be required to provide as a maximum 1 car parking space per 25m<sup>2</sup> of floorspace, 1 staff cycle space per 100m<sup>2</sup> and 1 customer cycle space per 50m<sup>2</sup>. For this application site, this equates to 2.44 car parking spaces, 1 staff cycle space and 1.22 visitor cycle spaces. The proposed layout plan demonstrates that the proposed use can provide for 6 car parking spaces, and 6 cycle parking spaces and therefore a policy compliant level of parking can be provided on site.
32. The transportation officer has not raised any objection to the proposal. They have outlined the new traffic calming measures, double yellow lines and waiting restrictions that have been implemented in an attempt to reduce traffic concerns in this area.
33. In addition to the above, it is important to note that the existing building is relatively small in scale and does not propose any physical alterations to the building. The agent has provided information that suggests that a general idea of capacity would be around 27 people at any one time and therefore significant numbers of people will not be travelling to and from the site. Furthermore, as outlined in paragraph 23, one of the reasons for basing the facility within Tuckswood and Lakenham is that

there are members of the community who do not drive and find themselves isolated from larger facilities located further away. Therefore it is likely that there will be some visitors to the facility that will arrive on foot. There is a bus stop directly opposite the site (and several others in the area) and the proposal includes cycle parking within the rear yard to promote more sustainable modes of transport.

34. It is important to note that whilst residents have raised significant concern about the current parking and congestion problems, this is an existing issue which the determination of this application cannot resolve. Although the site provides a policy compliant level of parking on site, given local concern regarding parking and traffic, a condition is recommended requiring the submission of a travel information plan to be distributed to staff and visitors promoting walking, cycling and public transport to support and encourage access to the site by means other than the private car.

### **Main issue 3: Amenity**

35. Key policies and NPPF paragraphs – DM2, DM11, NPPF paragraphs 127 and 180
36. Policies DM2 and DM11 seek to protect the amenity of neighbours and surrounding area from noise and general disturbance. A number of representations were concerned with the late opening hours, the numbers of people coming and going from the site, noise associated with cars at the site etc.
37. The site is located in a predominantly residential area which is sensitive to intense, loud and disruptive noises. It should be noted that within the small parade of commercial units is a hot food takeaway which is also open until 23:00, although it is acknowledged that this use is likely of a less intense nature compared with the application site. The submitted application form proposes opening hours of 08:00 to 23:00 every day. Additional information has been submitted with an example timetable showing activities would be held between 09:00 and 20:00 each day. Later opening hours are requested during Ramadan which lasts for approximately 1 month and the 2019 Ramadan prayer times have been provided in the design and access statement to give an idea of the hours of operation during this period.
38. It is not expected that there would be significant noise breakout from the building itself provided windows and doors are kept closed during activities. However, it is likely that there will be increased noise levels when visitors are leaving the premises at unsociable hours, including from visitors themselves, cars etc. This will result in some noise disturbance to nearby residential occupiers and is likely to be exacerbated during Ramadan when more people may attend the premises later at night/earlier in the morning.
39. It is considered necessary to impose a condition restricting the normal operational hours to 08:00-23:00. This is considered appropriate given the unit is located within a small row of commercial units, one of which currently opens until 23:00. However, regard must be had to the specific needs of the users of the site and therefore it is proposed that the condition allow extended opening hours until 3 hours after sunset during Ramadan. It is proposed to only allow the extended opening hours for a temporary period of 3 years so that the impacts of the proposal can be monitored and re-assessed.

40. Furthermore, it is also considered necessary to require a management plan to be submitted prior to the first use of the building. This management plan would need to outline measures to avoid congregation outside of the building and to ensure visitors are quietly and efficiently entering or exiting the building in order to minimise impacts on the surrounding area. This information should be secured by condition and prior to first use of the building.
41. It is considered that the noise and disturbance impacts could be minimised through the proper implementation of the travel information plan i.e. by encouraging visitors to visit on foot or by bicycle. This information would be required by condition and prior to first use of the building.
42. It is not proposed to use amplified sound equipment, air conditioning or extract ventilation at the premises, however a condition should be included that requires that no amplified sound equipment shall be installed externally and details of any plant or machinery must be submitted to and agreed in writing prior to installation to ensure the impacts upon the surrounding area can be considered fully.
43. It is proposed to include a condition restricting the hours of any deliveries or servicing at the site to prevent any further disturbance to the surrounding area.

#### **Other matters**

44. Although the application site is located within the Yare Valley Character Area, it is not located within a Flood zone or critical drainage area. Therefore there is not a requirement to provide any additional information, such as a flood risk assessment. In addition, no physical works are proposed to the building or the surrounding site which are considered to have an impact on the drainage situation of the site.
45. Concerns were raised that the proposal would reduce property values in the area. This is not a material planning consideration and has not been considered further.

#### **Equalities and diversity issues**

46. As an application to include place of worship as one of the permitted uses of a building, any permission granted would permit any religion, or even a range of religions, to use it and it has been assessed accordingly.
47. The proposal has been assessed with regard to the Equality Act 2010, which identifies religion as a protected characteristic, and Article 9 of the Human Rights Act 1998 which protects the freedom of thought, conscience and religion.

#### **Local finance considerations**

48. Under Section 70(2) of the Town and Country Planning Act 1990 the council is required when determining planning applications to have regard to any local finance considerations, so far as material to the application. Local finance considerations are defined as a government grant or the Community Infrastructure Levy.
49. Whether or not a local finance consideration is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms. It would not be appropriate to make a decision on the potential for the development to raise money for a local authority.

50. In this case local finance considerations are not considered to be material to the case.

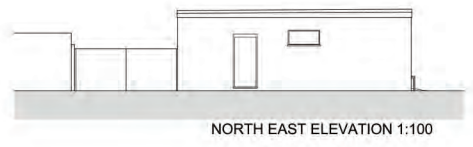
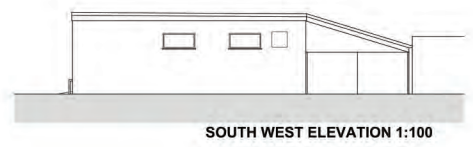
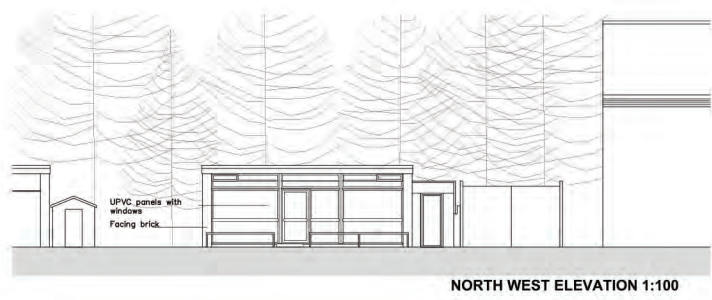
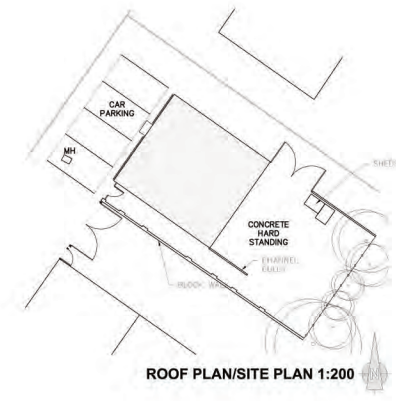
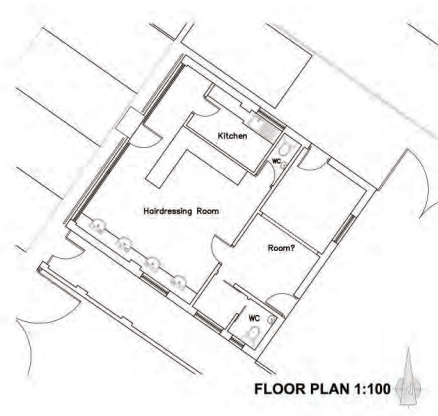
## **Conclusion**

51. Appropriate information has been submitted to demonstrate compliance with policies DM18 and DM22 and therefore the proposal is considered acceptable in principle. The site can provide for a policy compliant level of parking and a travel information plan should be required by condition to encourage visitors to the site by means other than private car. It is acknowledged that the proposed use is likely to have some amenity impacts relating to noise disturbance, particularly at unsociable hours during Ramadan. Having regard for the specific needs of the applicants, it is considered reasonable that later opening hours would be requested during Ramadan. However, extended opening hours on a permanent basis could give rise to unacceptable impacts upon neighbouring amenity. Therefore on balance it is considered reasonable to allow extended opening hours on a temporary basis and for the impacts of the proposal to be monitored and re-assessed as necessary. Furthermore, a management plan would be required by condition to mitigate any impacts upon the surrounding area. On balance, and subject to the agreement of the details required by condition, the proposal is considered to be acceptable in amenity terms.

## **Recommendation**

To approve application no. 19/00514/U - 58 Sandy Lane Norwich NR1 2NR and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Restriction of D1 use, not including a place of worship used in conjunction with the community facility;
4. Opening hours restricted to 08:00-23:00 on any day except during the Ramadan period where the use shall cease not later than 3 hours after sunset for a temporary period only;
5. Restricted hours for deliveries and servicing;
6. Travel information plan;
7. Management plan;
8. No external lighting or security measures including CCTV shall be installed without approval
9. No amplified sound equipment to be installed outside of the building
10. No plant or machinery, or extract ventilation to be installed without first being agreed



The information contained in this drawing is representational and has been compiled, from a dimensional survey only and does not warrant nor certify the structure of the buildings or neighboring structures at the site of construction.

The contractor is to visit the site to make himself acquainted with the buildings and surroundings and undertake any investigation work or make all allowances to ensure that a full and final quotation for the works will be submitted, taking into account all eventualities.

All work and working practices on the site shall be carried out in accordance with the above and to ensure that there is no risk to the site operatives, visitors or public.

The contractor is to include all preliminary allowances to cover the prevention of accidents and injury.

All workmanship and materials to comply with current relevant Building Regulations, British Standards and Codes of Practice. All materials to be stored, mixed and fixed in accordance with manufacturers instructions and recommendations.

All provisions for temporary means of support and regulations for Health and Safety at work to be applied.

All works to be carried out to the complete satisfaction of the Local Authority Building Control Officer.

All works to be carried out in strict accordance with HSE guidance and the CDM regulations. DO NOT SCALE the contractor must verify all dimensions prior to commencing shop drawings or works on site.

Exact setting out and final levels to be agreed on site.

To be read in conjunction with approved planning drawings.

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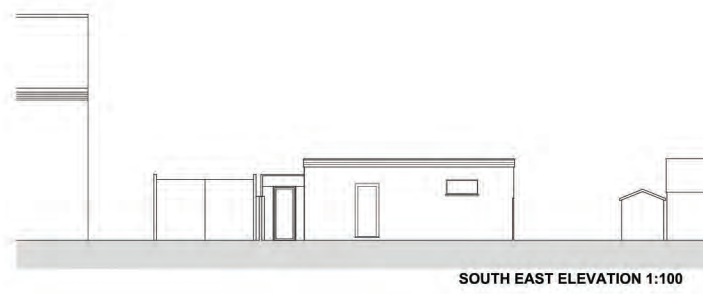
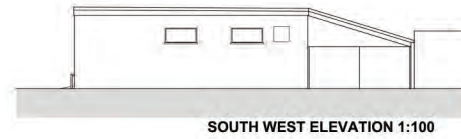
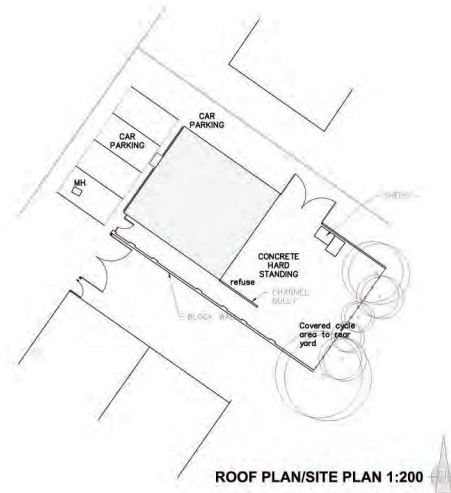
# PROPOSED CHANGE OF USE FROM A1 HAIR SALON TO D1 COMMUNITY CENTRE AT 58 SANDY LANE, NORWICH, NORFOLK

Drawn: SD	101	AS EXISTING	Issue 10	Scale: none
Client: Andrew Clarke				
Client: Andrew Clarke				
Client: Andrew Clarke				

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The information contained in this drawing is representational and has been compiled, from a site visit, to provide a general overview of the physical structure of the buildings or neighboring structures at the time of construction.

The contractor to visit the site to make himself acquainted with the buildings and surroundings and to undertake any necessary measures to make all allowances to ensure that a full and final quotation for the works will be submitted, taking into account all eventualities.

The contractor is working on the site shall be carried out in accordance with the above and shall be held to be the sole responsibility of the contractor, visitors or public.

The contractor is to make all preliminary allowances to cover the prevention of accidents and injury.

All workmanship and materials to comply with current relevant Building Regulations, British Standards and Codes of Practice. All materials to be mixed, stored and fixed in accordance with manufacturers instructions and recommendations.

All provisions for temporary means of support and regulations for Health and Safety at work to be applied.

All works to be carried out to the complete satisfaction of the Local Authority Building Control Officer.

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Exact setting and ground level for agreed on site.

To be used in conjunction with approved planning drawings.

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REV A - printing address: current version added 05/05/2019

# PROPOSED CHANGE OF USE FROM A HAIR SALON TO D1 COMMUNITY CENTRE AT 58 SANDY LANE, NORWICH, NORFOLK

Item ref	D01	AS PROPOSED	Article No./Reference: '031
Drawing ID	001		Scale: 1:100
Issue	001		Page: A1
Andrew Clarke (0160348631)		CLIENT	
		NOVA	Sheet:

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**Report to** Planning applications committee

**Item**

8 August 2019

**Report of** Head of planning services

**Subject** Application no 19/00242/MA - Flordon House, 195  
Unthank Road, Norwich, NR2 2PQ

**Reason  
for referral** Objections

4(b)

---

<b>Ward:</b>	Nelson
<b>Case officer</b>	Charlotte Hounsell - charlottehounsell@norwich.gov.uk

Development proposal		
Material amendment to previous permission 17/01791/F to allow a revised rear elevation and layout.		
Representations		
Object	Comment	Support
3	0	0

Main issues	Key considerations
1	Design
2	Amenity
3	Landscaping
4	Transport
5	Flooding
<b>Expiry date</b>	12 April 2019
<b>Recommendation</b>	Approve



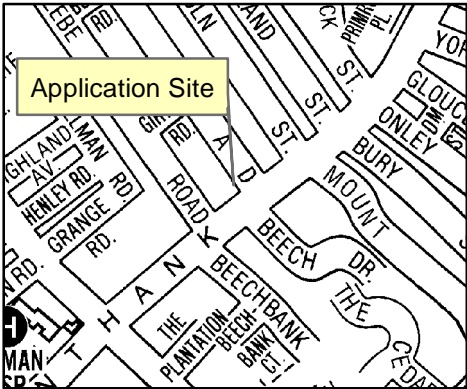
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Planning Application No 19/00242/MA  
 Site Address 195 Unthank Road

Scale 1:1,000



**NORWICH**  
 City Council  
 PLANNING SERVICES



## The site and surroundings

1. The subject property is located on the North East side of Unthank Road, West of the City Centre. The property was previously a detached three-storey dwelling built circa 1900 and is constructed of cream rendered finish and clay roof tiles. Permission was granted in 2017 for the conversion of the property to five flats. At the front of the property is a garden space separated from the highway by a boundary wall. Access to the main property is via a front door and a side access on the South West elevation. At the rear of the property is a small garden with steps up to an existing parking area which can also be accessed via an alley/road from College Road and Glebe Road. The rear parking area is at a significantly higher ground level than the garden space. The properties in the surrounding area are a mix of Victorian semi-detached or terraced houses.

## Constraints

2. The property is located within the Unthank and Christchurch Conservation Area
3. The property is locally listed
4. The property is located within a critical drainage area

## Relevant planning history

5.

Ref	Proposal	Decision	Date
4/2003/0392	Extension and conversion of nursing home into 12 flats.	WDA	23/05/2003
03/00017/F	Conversion from nursing home into 16 student bed-sits.	REF	19/09/2003
03/00022/F	Conversion of nursing home into 6 bedsits and 6 flats.	REF	19/09/2003
04/00109/U	Change of use from care home to private dwelling.	APPR	10/03/2004
04/00520/F	Construction of pitched roofs & external alterations at rear, and alterations to car port/garage.	APPR	27/07/2004
07/00791/C	Demolition of existing gate brick piers and replacement with new brick piers.	APPRET	23/08/2007
16/00227/F	Conversion of office and dwelling to 5 No. flats and associated alterations.	APPR	19/07/2016
16/01402/NM	Non-material amendments to previous permission 16/00227/F to allow internal	REF	17/11/2016

Ref	Proposal	Decision	Date
A	layout alterations to facilitate load bearing walls. 2 No. roof lights to front elevation and 2 No. windows to side elevation.		
17/01791/F	Conversion and extension to create 5 No. apartments and demolition of rear garage.	APPR	15/02/2018
18/01846/VC	Variation of Condition 3: landscaping and Condition 5: bicycle, refuse and recycling of previous permission 17/01791/F to amend the rear elevations and minor reduction to rear extension.	CANCLD	19/12/2018
19/00240/D	Details of Condition 3: landscaping; Condition 4: SUDs and Condition 5: bicycle/refuse storage of previous permission 17/01791/F.	WITHDN	21/05/2019

## The proposal

6. This application proposes amendments to application 17/01791/F. The amendments are as follows:
  - a) Changes to internal layout
  - b) Amended plans to show correct placement of windows
  - c) Removal of rear extension and subterranean living accommodation
  - d) Changes to layout of parking and garden spaces
  - e) Changes to rear elevation windows and green wall
  - f) Replacement side extension
7. The principle of converting the property into 5 flats has already been considered acceptable under 17/01791/F. Therefore the purpose of this application is to consider the amendments only.
8. It should be noted that application 17/01791/F was subject to a number of pre-commencement conditions. The permission has been implemented without discharging conditions. Following discussions with the applicant, this material amendment application has been submitted to regularise some changes that have already taken place and to formalise proposed amendments to the scheme.
9. Officers raised concerns with the originally submitted information and revised plans were submitted to address these concerns. The assessment below is based upon the revised plans only.

## Summary information

Proposal	Key facts
<b>Scale</b>	
Total no. of dwellings	<b>5</b>
No. of storeys	<b>3</b>
<b>Appearance</b>	
Materials	<b>Rear windows – white uPVC</b>
<b>Transport matters</b>	
Vehicular access	<b>Existing access via small alleyway that links College Road and Glebe Road behind the houses on Unthank Road.</b>
No of car parking spaces	<b>Five spaces provided at the rear of the site</b>
No of cycle parking spaces	<b>Five occupier cycle spaces in rear store 3 visitor spaces to the front of the site</b>
Servicing arrangements	<b>Bin store area to front of site.</b>

## Representations

10. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. 3 letters of representation have been received citing the issues as summarised in the table below. All representations are available to view in full at <http://planning.norwich.gov.uk/online-applications/> by entering the application number.

Issues raised	Response
The new proposal would create 6 flats	The application does not propose to make any changes to the number of flats compared with the approved scheme 17/01791/F.
Overall reduction in design quality	See Main Issue 1
Change in window material dilutes the design quality	See Main Issue 1
Substantial internal changes would no longer allow for disabled access	See Main Issue 1

If the side extension becomes inhabited this would result in loss of privacy	See Main Issue 2
Increase traffic in the access alley will result in harm to amenity	See Main Issue 2
The car parking arrangement is compromised and would result in light and noise pollution to neighbours. Insufficient space for parking and cycle storage.	See Main Issue 2 and 3
The proposal no longer includes a green wall	See Main Issue 4
Confusion over who would manage the garden areas	See Main Issue 4
Insufficient number of bins and bin storage	See Main Issue 4
Inappropriate hard surfaces	See Main Issue 5
The previously approved SUDS have not been incorporated	See Main Issue 5
More preferable scheme to the one previously approved	Noted.
Confusion over the different application types that have been submitted	An application was submitted to discharge the conditions attached to 17/01791/F (Ref: 19/00240/D). After review of the submitted information, officers concluded that there were material changes to the scheme. Application 19/00242/MA was submitted to deal with these changes and the conditions from 17/01791/F. Accordingly, application 19/00240/D was withdrawn.
Incorrect 'approved' drawings have been provided and incorrect number of windows shown on elevations	Amended drawings have now been provided to accurately reflect the existing building and the proposals.
There is no party wall agreement in place.	The Party Wall Act is separate from the planning process and therefore this issue has not been considered further.
Disturbance from construction has been ongoing for a significant period	This is not a major construction scheme and such disturbance would not be considered sufficient to withhold consent.

## Consultation responses

11. Consultation responses are summarised below the full responses are available to view at <http://planning.norwich.gov.uk/online-applications/> by entering the application number.

### Citywide Service

12. 6 x 360 (3 waste and 3 recycling should cover), with provision for a 7th bin to meet demand if realised? Hopefully a recycling one.

### Design and Conservation

13. This is not an application that I intend to provide conservation and design officer comments on because it does not appear on the basis of the application description to require our specialist conservation and design expertise. This should not be interpreted as a judgement about the acceptability or otherwise of the proposal.

### Highways (local)

14. No objection on highway grounds. The proposed car parking layout, design and cycle store appears satisfactory in principle. Please can you ensure that there are tethers within the cycle store e.g. floor mounted sheffield stands. Otherwise cycles can be easily stolen if the lock is broken.

### Landscape

15. The green wall no longer forms part of the proposal. The proposed planting bed at the rear wall may cause some maintenance issue but is wide enough for lower planting and climbers. Natural green screens could be used as an alternative. Effective greening is required for the rear elevation and should constitute more than clematis. Further planting suggestions to improve the front garden.

### Private Sector Housing

16. No comments received

## Assessment of planning considerations

### Relevant development plan policies

17. **Joint Core Strategy for Broadland, Norwich and South Norfolk adopted March 2011 amendments adopted Jan. 2014 (JCS)**
- JCS1 Addressing climate change and protecting environmental assets
  - JCS2 Promoting good design
  - JCS3 Energy and water
  - JCS4 Housing delivery
18. **Norwich Development Management Policies Local Plan adopted Dec. 2014 (DM Plan)**
- DM1 Achieving and delivering sustainable development
  - DM2 Ensuring satisfactory living and working conditions
  - DM3 Delivering high quality design



- DM5 Planning effectively for flood resilience
- DM6 Protecting and enhancing the natural environment
- DM9 Safeguarding Norwich's heritage
- DM12 Ensuring well-planned housing development
- DM13 Communal development and multiple occupation
- DM28 Encouraging sustainable travel
- DM30 Access and highway safety
- DM31 Car parking and servicing

### **Other material considerations**

#### **19. Relevant sections of the National Planning Policy Framework March 2012 (NPPF):**

- NPPF1 Achieving sustainable development
- NPPF5 Delivering a sufficient supply of homes
- NPPF8 Promoting healthy and safe communities
- NPPF12 Achieving well-designed places
- NPPF14 Meeting the challenge of climate change, flooding and coastal change
- NPPF16 Conserving and enhancing the historic environment

### **Case Assessment**

20. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Relevant development plan policies are detailed above. Material considerations include policies in the National Planning Framework (NPPF), the Councils standing duties, other policy documents and guidance detailed above and any other matters referred to specifically in the assessment below. The following paragraphs provide an assessment of the main planning issues in this case against relevant policies and material considerations.

### **Main issue 1: Design and Heritage**

21. Key policies and NPPF paragraphs – JCS2, DM3, DM9 NPPF 8, 12 and 16
22. Changes to the external appearance of the site include alterations to window design and materials, removal of the rear extension and subterranean living accommodation and a replacement single storey side extension. Concerns were raised that the amended scheme results in an overall reduction in design quality.
23. The proposed replacement windows within the rear elevation of the building were originally proposed as aluminium windows. The amended scheme proposes white uPVC windows of a more standard design. Although the building is locally listed, and uPVC is considered to be a lower quality material than aluminium, the use of this material in this instance is considered acceptable given it would be used on the less sensitive rear elevation of the building, and that many other properties in the surrounding area have also used this material.
24. The removal of the extension and subterranean accommodation is not considered to be significantly detrimental to the character of the building or the surrounding



area as the rear garden area of the site would essentially remain in its existing condition.

25. Concerns over the loss of planting quality have been assessed in Main Issue 4.
26. Concerns were also raised that the changes to the internal layout meant that the properties would no longer have disabled access. In accordance with policy DM12, only schemes providing 10 or more dwellings are required to be built to Lifetime Homes standards. However, accessibility of new properties is covered by Building Regulations under a separate process to the planning process.
27. It should be noted that the amended scheme does not propose any changes to the more sensitive front elevation of the building.

## **Main issue 2: Amenity**

28. Key policies and NPPF paragraphs – DM2, DM11, NPPF 8 and 12
29. The proposal includes alterations to the interior of the flats. Interior walls are located in different places and rooms have been fitted out for different purposes to the approved plans. In addition, Flat 1 (rear ground floor) is proposed to be reduced in size and without extensions into the garden. Upon visiting the site, officers were satisfied with the internal layout of the flats which had already been completed or were mid-way through construction. Furthermore, the amended layout and sizes of the flats complies with requirements of the National Space Standards. The amount of garden space to be provided is greater than shown in the approved scheme. Therefore future occupiers are considered to benefit from an appropriate standard of amenity.
30. Representations raised concerns regarding the insertion of new windows within the side elevations of the building which could result in additional overlooking. No new windows have been inserted within the sides of the building and photographs prior to construction works have been provided to demonstrate this. The previously approved plans did not include these windows and were therefore incorrect. The amended plans have been updated and show the correct window positions.
31. Under application 17/01791/F, an existing side extension was proposed to be demolished. On site, this side extension has been replaced with a timber clad lean-to extension and is included on the amended plans. Concerns were raised that this area was to become inhabited which would result in a loss of privacy to neighbouring occupiers. This space is not shown as habitable internal space on the approved plans and is therefore not considered to give rise to any additional amenity impacts. Any alteration of this area to form internal living space in future would be in breach of the permission (should it be granted) and would be investigated as an enforcement matter.
32. Representations were also concerned with the amended parking layout at the rear of the site (discussed in more detail in Main Issue 3) and the impact this would have upon neighbour amenity in terms of noise and light pollution. The principle of using this area for parking was already established when the property was a single dwelling. Four parking spaces were approved in this area under 17/01791/F. The provision of one additional parking space is not considered to create any significant additional amenity impacts. Furthermore, the location of boundary walls and

provision of boundary planting to this area is considered sufficient to reduce significant light pollution from headlights.

33. Therefore the proposal is not considered to have an unacceptable impact on neighbouring amenity compared with the approved scheme under 17/01791/F.

### **Main issue 3: Transport**

34. Key policies and NPPF paragraphs – JCS6, DM28, DM30, DM31, NPPF 8 and 12
35. The amended plans show a new layout to the parking area at the rear of the site. Concerns were raised that the layout was inappropriate and would not allow for cycle parking in this area. Revised plans have been submitted showing an updated parking layout which is more appropriate and also creates space to provide secure cycle storage for residents.
36. There was no objection from the Transportation Officer.

### **Main issue 4: Landscaping and open space**

37. Key policies and NPPF paragraphs – DM3, DM8, NPPF 8 and 12
38. The previously approved scheme included a green wall to the rear elevation of the building. This was included to contribute towards sustainable drainage of the site and was considered to offer additional privacy to the rear elevation windows. The green wall is no longer proposed as part of the scheme and instead wisteria plants have been proposed. Whilst it is a shame that this feature has been removed, this is considered acceptable when balanced against the removal of the rear extension (and therefore the reduced emphasis on dealing with additional surface water on site (See Main Issue 5)).
39. Alterations have also been made to the front garden space including a different path and planting layout, provision of a bin store and visitor cycle spaces. The landscape officer has raised concerns that the choice of plants to the front of the site is unusual. In this case the planting is considered to improve the appearance of the site and unusual plant choice does not warrant a reason for refusal. It should also be noted that after the five year period specified with the landscaping condition (which requires that plants be managed, maintained and replaced should they die during this timeframe) there will be little planning control over the condition of the front garden.
40. Concerns were raised that it was not clear who would be responsible for the management and maintenance of the garden spaces. The revised layout plan now includes annotations that the ground floor flats will be responsible for the management of the garden spaces.
41. Representations were also concerned that the site did not appear to provide for a sufficient number of bins and a storage area. Officers were also concerned that the proposed bin store would be visible within the streetscene and would detract from the front elevation of the building. It has been confirmed by Citywide Services that an appropriate number of bins can be provided within the store. In addition, given the erection of replacement front boundary fencing, the bin store is unlikely to be overly prominent within the streetscene. Furthermore, locating the bins at the front of the site improves refuse collection arrangements.

## **Main issue 5: Flood risk**

- 42. Key policies and NPPF paragraphs – JCS1, DM5, NPPF 14
- 43. The approved scheme included a number of sustainable drainage measures, including, new landscaping, permeable paving, green roof, permeable paving and an infiltration trench. These measures were considered important given the levels of the site and the extension to the rear.
- 44. Within the amended scheme, a number of these measures are no longer proposed such as the green roof and wall and infiltration trench. The scheme still includes planting (discussed in Main Issue 4), permeable paving. Although it is a shame that some of these measures will no longer be included, given that the scheme no longer proposes an extension to the rear of the site, there is a reduced emphasis on dealing with additional surface water on site. Therefore, these measures are considered acceptable.

## **Equalities and diversity issues**

- 45. There are no significant equality or diversity issues.

## **Local finance considerations**

- 46. Under Section 70(2) of the Town and Country Planning Act 1990 the council is required when determining planning applications to have regard to any local finance considerations, so far as material to the application. Local finance considerations are defined as a government grant or the Community Infrastructure Levy.
- 47. Whether or not a local finance consideration is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms. It would not be appropriate to make a decision on the potential for the development to raise money for a local authority.
- 48. In this case local finance considerations are not considered to be material to the case.

## **Conclusion**

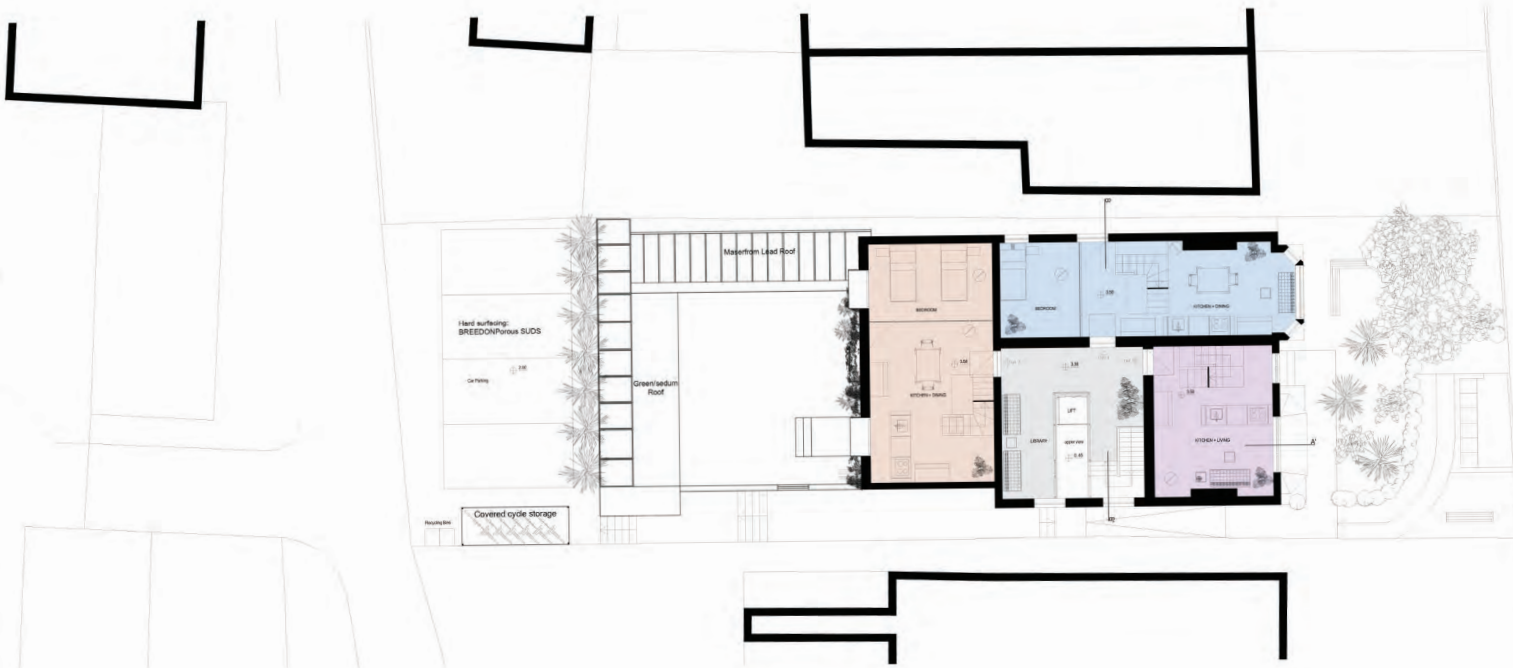
- 49. The principle of development has already been considered acceptable under application 17/01791/F. The amended scheme results in a number of changes to the design, layout and landscaping of the site. It is acknowledged that there is a loss of some of the beneficial features that were included in the previous permission, such as the green wall and use of aluminium windows. However, on balance, these changes are considered acceptable. In addition, the removal of the rear extension and the replacement of the side extension is not considered to be significantly detrimental to the character of the main building or the surrounding area. Whilst the internal alterations change the size and layout of the flats, these would still be of an appropriate size and future occupiers would benefit from a good standard of amenity overall.
- 50. The development is in accordance with the requirements of the National Planning Policy Framework and the Development Plan, and it has been concluded that there are no material considerations that indicate it should be determined otherwise.

## **Recommendation**

To approve application no. 19/00242/MA - Flordon House, 195 Unthank Road, Norwich, NR2 2PQ and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Management and maintenance of landscaping
4. Installation and retention of bin and bike storage
5. Water efficiency
6. Parking made available prior to first occupation

Disclaimer:  
This drawing is to be used in conjunction  
with all relevant documents.  
No guarantee is made that the information  
on this drawing is correct and no liability  
shall be accepted for any loss or damage  
resulting from its use.



FIRST FLOOR

PROPOSED PLANS  
1:100 on A1



GROUND FLOOR

- FLAT 01 - 3 BED - 112 m2
- FLAT 02 - 2 BED - 81 m2
- FLAT 03 - 2 BEDROOMS - 81 m2
- FLAT 04 - 2 BEDROOMS - 77 m2
- FLAT 05 - 2 BEDROOMS - 94 m2

Studio Ub  
Design + Build Ltd



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NR1 1DD  
info@studioub.co.uk  
studioub.co.uk

Company No 10885979

PROPOSED PLANS  
1:100 on A1

- FLAT 01 - 3 BED - 112 m<sup>2</sup>
- FLAT 02 - 2 BED - 81 m<sup>2</sup>
- FLAT 03 - 2 BEDROOMS - 81 m<sup>2</sup>
- FLAT 04 - 2 BEDROOMS - 77 m<sup>2</sup>
- FLAT 05 - 2 BEDROOMS - 94 m<sup>2</sup>

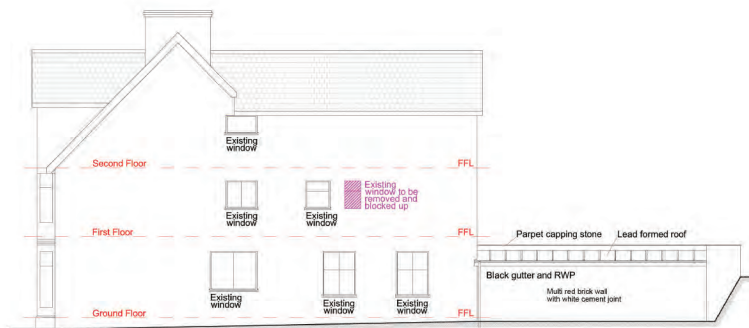
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Design + Build Ltd

43 College  
Norwich  
NR3 2DD  
info@studioub.co.uk  
studioub.co.uk

ROOF LEVEL

SECOND FLOOR

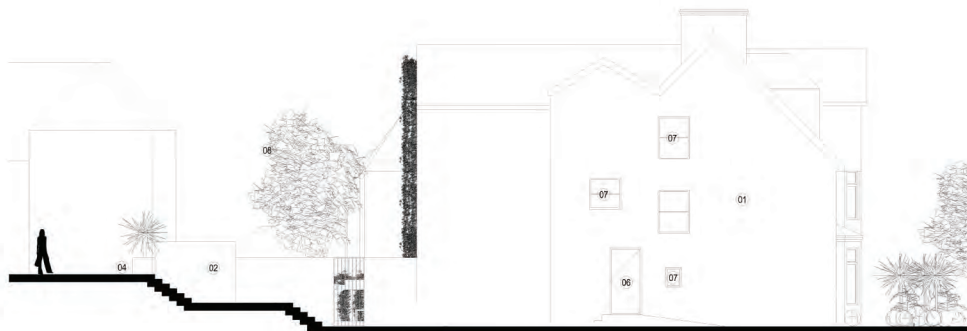




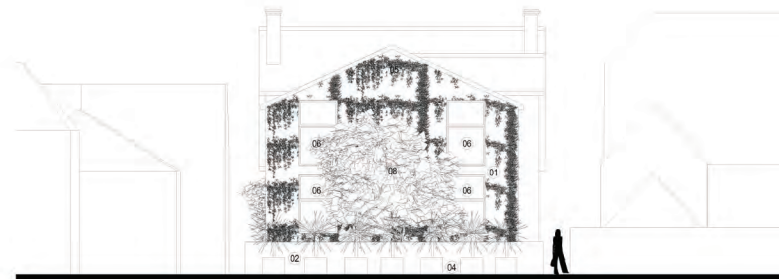
ELEVATION NE



ELEVATION SE



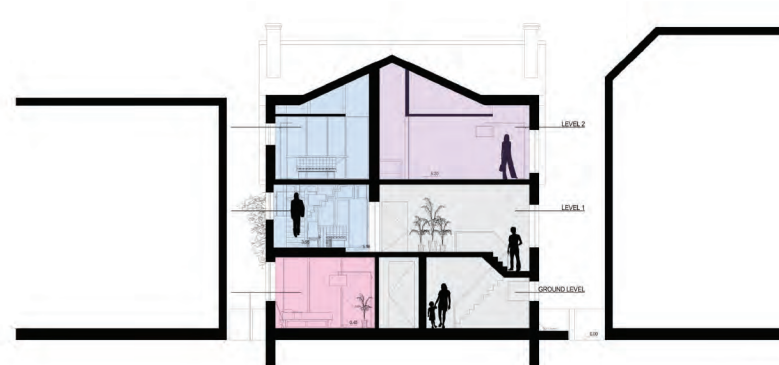
ELEVATION SW



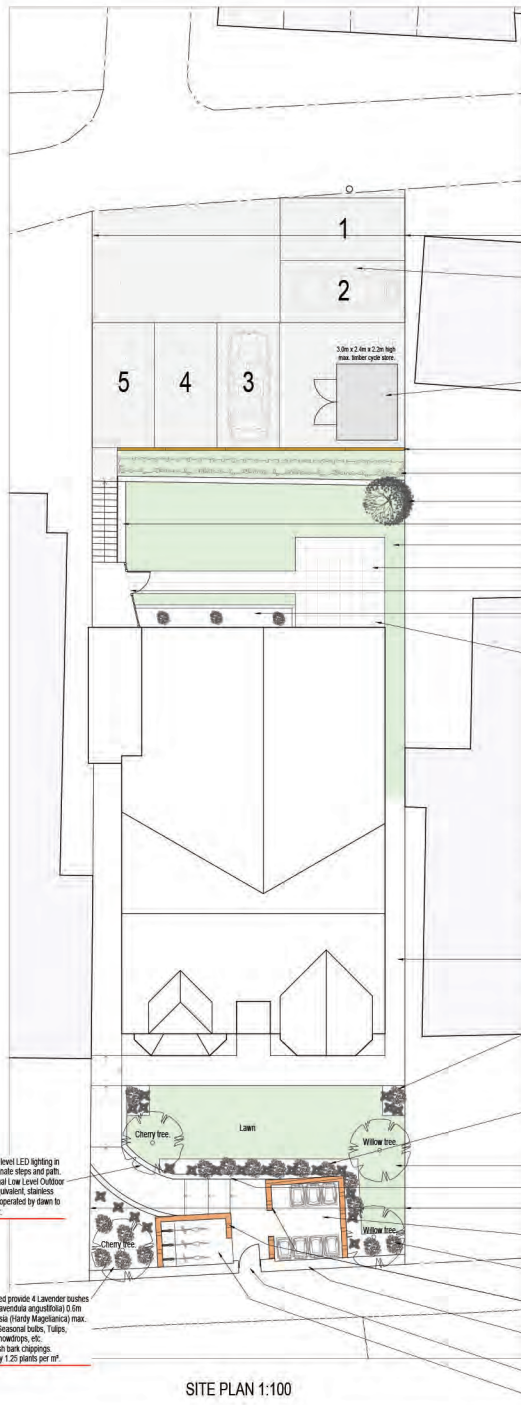
ELEVATION NW



SECTION AA



SECTION BE



Retain all existing boundaries.

Permeable car parking area - brick pavings with bays marked with different coloured bricks to create lines.  
Marshall's Driveline Nova in grey with demarking lines in bronze laid and installed in accordance with manufacturers instructions to ensure a permeable surface finish.

Timber cycle shed on concrete base to provide 500 (one per unit) ground anchors to provide secure fixing point for cycle chandock.

Timber sleepers marked with numbers.

Laurel hedges planted at min. 0.6m high and maintained to max. 1.8m high to provide screening.

Retain existing fig tree.

Provide trellis along boundary for climbing clematis.

Reinstated lawn.

Permeable finishes to rear garden.

Close boarded fence and gate 1.8m high.

Provide 300, 2.3 bed high window plants in raised bed built from timber sleepers. Provide wires to wall security fence to allow plants to climb. Provide regular maintenance to ensure plants trained up wires.

Rear garden managed by Fial 1.

Gardens are hardy and low maintenance.  
Seasonal maintenance for the appearance of the hard landscaping shall take place 4 times a year including the removal of weeds and fallen leaves. The above shall continue from occupation for 5 years as a minimum.

Regular trimming to contain plants to approx. sizes.

External paths - Marshall's Driveline Nova in grey laid and installed in accordance with manufacturers instructions to ensure a permeable surface finish. Retained by timber sleepers.

To corner beds provide 3 Lavender bushes "Hidocole" (Lavandula angustifolia) 0.6m high 2 Fuchsia (Hardy Magnificencia) max. 1.2m high. Seasonal bulbs, Tulips, Daffodils, Snowdrops, etc. Surface finish bark chippings. Plant density 4 per m<sup>2</sup>.

To screen pathway and ban store Lavender bushes "Hidocole" (Lavandula angustifolia) 0.6m high planted at intervals of 1m, 3 Buddleia bushes (designed between lavender bushes) (pruned to 1.5m high & 1.5m wide), 3 Lupinus (Adornus) in around the bushes (pruned to 1m high), 3 Tulips (Hardy Magnificencia) max. 1.2m high. Seasonal bulbs, Tulips, Daffodils, Snowdrops, etc. The planting will encourage wildlife including butterflies and bees. Surface finish bark chippings. Plant density 2.5 per m<sup>2</sup>.

Front garden managed by Fial 2.

Provide coping stone to top of low garden walls, use Marshall's Richmond Grey slabs.

Retain all existing boundaries.

Refuse and recycling store to house min. 700, communal 900 litre wheeled bins. Also for recycling and 300, for general waste.

Refill part excavated area and provide cherry tree.

Provide 2 Fuchsia (Hardy Magnificencia) max. 1.2m high. Seasonal bulbs, Tulips, Daffodils, Snowdrops, etc. Surface finish bark chippings.

Walls clad with larch boarding - height to be below existing wall.

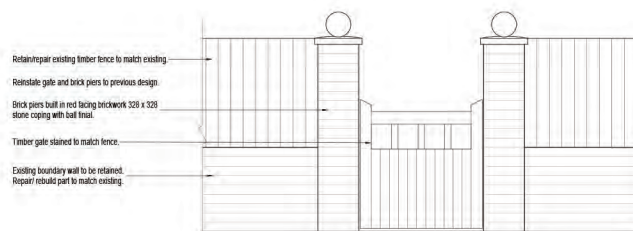
Existing boundary wall to be retained. Retain/replace/repair existing timber fence above to screen cycle and refuse/recycling store.

Reinstated gate and brick piers to previous design.

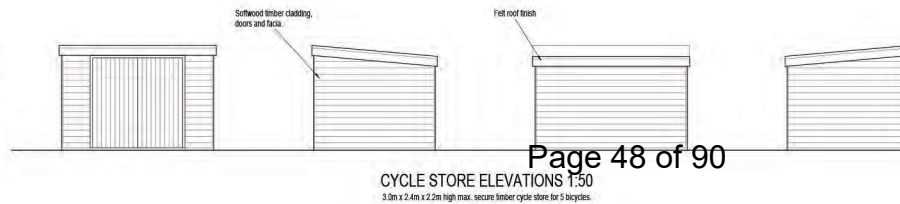
Visitor cycle parking using metal 'Y' clamps bolted to wall.

Regular trimming to contain plants to approx. sizes.

Plant pot sizes at time of planting:  
Lavender bushes "Hidocole" (Lavandula angustifolia) 5 litre  
Fuchsia (Hardy Magnificencia) 2 litre  
Lupinus (Adornus) 2 litre  
Buddleia 2 litre



REPLACEMENT BRICK PIERS AND GATE 1:20



CYCLE STORE ELEVATIONS 1:50

3.0m x 2.4m x 2.2m high max. secure timber cycle store for 3 bicycles.

## General Notes

- This drawing must not be scaled and if in doubt ask.
- All Contractors are to check all dimensions & levels on site prior to commencing any construction or habitation.
- This drawing to be checked and read in conjunction with all Engineers, Architectural, Services Engineers and any specialist drawings, together with any relevant additional Engineers' specifications.
- Where site information or adjoining building details are contrary to issued details then the Engineer is to be informed immediately.
- No structural members are to be cut, reduced, or period unless shown on the Engineers' details. Unless otherwise noted all connections of structural members including beams & anchorage of reinforcement shall be capable of mobilising the full structural capacity of the member.
- All test connections to have a minimum of 2 loads.
- The foundations have been designed on ultimate ground pressure of 100 kN/m<sup>2</sup> & this must be confirmed on site before casting of foundations. Unless informed to the contrary in writing I have assumed that the soil is of a good quality and that there is no possibility of heave or shrinkage.
- Under the provisions of the Party Wall etc. Act 1996 if the excavations are within 3m of adjacent buildings written agreement for the works from the owner & the tenant (if applicable) of adjacent buildings must be obtained before building works commence & one month's notice must be given before building works commence. If the work applies to the party wall two month's notice must be given. Note: If foundations are deeper than normal a further notice may have to be given & agreement received. Note: If foundations, soffits, gutters, etc. encroach across the boundary a written agreement from the owner of the adjoining level buildings must be obtained & the boundary agreed before building works commence.
- The Construction (Design & Management) Regulations 2015.  
The client must make suitable arrangements for managing the project, including the allocation of sufficient time and resources.  
a. The construction work can be carried out (or for as reasonably practicable) without risk to the health and safety of any person affected by the project.  
The client must provide a construction phase plan in place before the construction phase starts.  
The client must ensure that the principal designer prepares a health and safety file for the project which is suitable, regularly updated and is available for inspection.  
The client must take reasonable steps to ensure that the principal designer and contractor comply with their duties.  
The client must pass the health and safety file to any new owner(s) (project completion) and ensure that the new owner(s) (project completion) is aware of the value and purpose of the file.
- This drawing is Copyright to Building Plans Ltd.



Rev	Date	Amendment	Dwn
F	19/07/2019	Plant pot sizes added for indication of planted size.	PB
E	11/07/2019	Ground anchors added to cycle store. Planting densities added. Paths detailed as brick paving.	PB
D	25/06/2019	Gate changed to timber, path finish changed to slabs.	PB
C	21/06/2019	Parking spaces numbered to relate to flat numbers. Brick piers and gate detail added. Paths amended to block paving. External lighting details added. Visitor cycle parking area amended.	PB
B	20/05/2019	Amended landscaping front and rear, and parking.	PB
A	17/04/2019	Rear extension details added. Additional details added as highlighted.	PB

Architectural Design,  
Building Surveyors and  
Planning Services

**Building Plans Ltd**

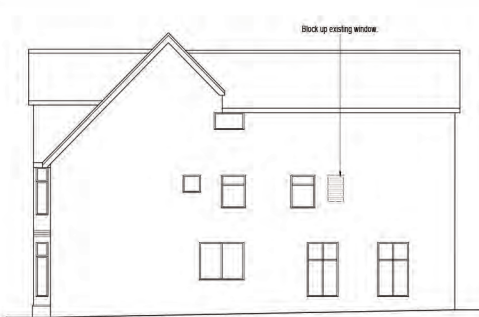
11 The Street, Hingham, Norwich, NR9 5BL  
Telephone: 01603 868377

Client:	Lionheart Properties Limited
Project:	Application to Satisfy Planning Conditions
Site address:	Fordon House 185 Unthank Road Norwich NR2 2PQ
Contents	Proposed Site Plan Cycle Store Elevations Replacement Piers & Gate
Scale @ A1:	1:50, 1:100,
Date:	February 2019
Signed/checked:	P.B./J.N.
Revision:	F
Project No:	3342.0219N
Sheet No:	1

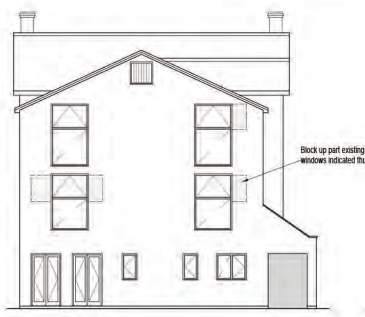




SOUTH EAST  
ELEVATIONS 1:100



NORTH EAST



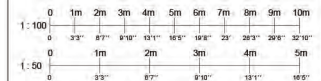
NORTH WEST



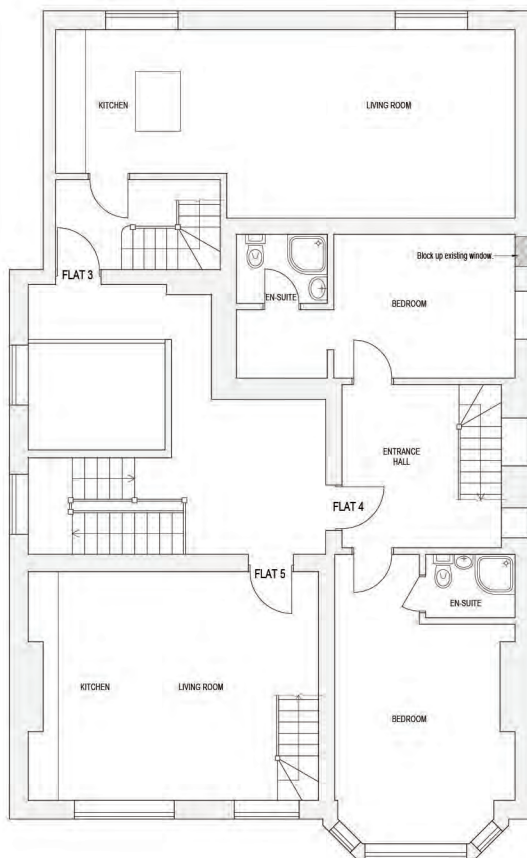
SOUTH WEST

## General Notes

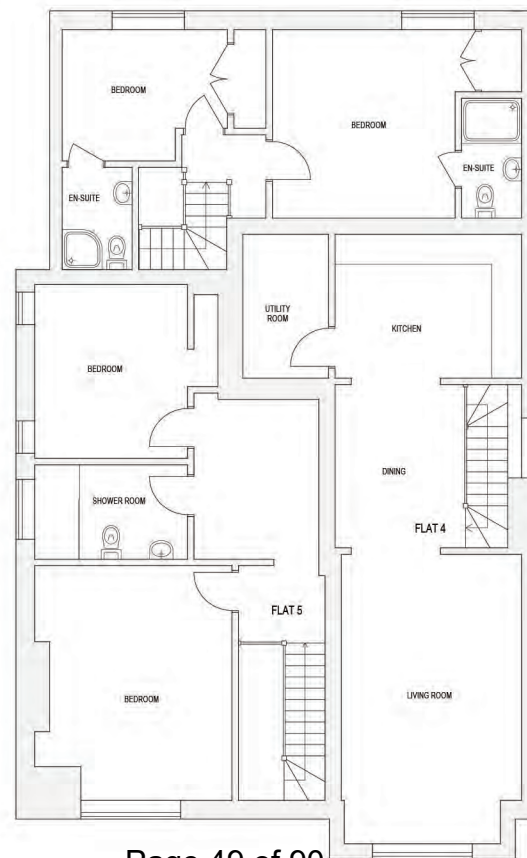
1. This drawing must not be scaled and if in doubt ask.
2. All Contractors are to check all dimensions & levels on site prior to commencing any construction or fabrication.
3. This drawing is to be checked and read in conjunction with all Engineers, Architectural, Services Engineers and any specialist drawings, together with any relevant additional Engineers' specifications.
4. Where site information or adjoining building details are contrary to issued details then the Engineer is to be informed immediately.
5. No structural members are to be cut, fractured, or joined unless shown on the Engineers details. Unless otherwise noted all connections of structural members including beams & arrangements of reinforcement shall be capable of maintaining the full structural capacity of the member.
6. All load connections to have a minimum of 2 bolts.
7. The foundations have been designed for ultimate ground pressure of 100 kN/m<sup>2</sup> & this must be confirmed on site before casting of foundations. Unless informed to the contrary in writing it has been assumed that the sub-soil is dry and that the soil has been compacted to 95% & that there is no possibility of heave or shrinkage.
8. Under the provisions of the Party Wall etc Act 1996 if the excavations are within 3m of adjacent buildings written agreement for the works from the owner & the tenant (if applicable) of adjacent buildings must be obtained before building works commence & one month's notice must be given before building works commence. If the work applies to the party wall two month's notice must be given. Note: If foundations are deeper than normal a further notice may have to be given & agreement received. Note: If foundations, soffits, gutters, etc encroach across the boundary a written agreement from the owner of the adjoining land/buildings must be obtained & the boundary agreed before building works commence.
9. The Construction (Design & Management) Regulations 2015.  
The client must make suitable arrangements for managing the project, including the allocation of sufficient time and resources.  
a. The construction work can be carried out (so far as reasonably practicable) without risks to the health and safety of any person affected by the project.  
b. If not suitable written facilities are provided.  
These arrangements must be reviewed and maintained throughout the project.  
The client must provide any construction information to the designer and contractor.  
The client must ensure that a construction phase plan is in place before the construction phase starts.  
The client must ensure that the principal designer prepares a health and safety file for the project which is suitable, regularly updated and is available for inspection.  
The client must take reasonable steps to ensure that the principal designer and contractor comply with their duties.  
The client must pass the health and safety file to any new owner(s) (occupier(s)) and ensure that the new owner(s) (occupier(s)) is aware of the nature and purpose of the file.
10. This drawing is Copyright to Building Plans Ltd.



GROUND FLOOR 1:50



FIRST FLOOR 1:50



SECOND FLOOR 1:50

A	11/02/2019	Elevations added.	PB
Rev	Date	Amendment	Dwn

Architectural Design,  
Building Surveyors and  
Planning Services  
**Building Plans Ltd**  
11 The Street, Honingham, Norwich, NR9 5BL  
Telephone: 01603 868377

Client:	Lionheart Properties Limited		
Project:	Application to Satisfy Planning Conditions		
Site address:	Fordon House 185 Unbank Road Norwich NR2 2PQ		
Contents	Floor Plans Elevations		
Scale @ A1:	1:50, 1:100,	Date:	June 2019
Signed/checked:	P.B./J.N.	Revision:	A
Project No:	3342.0219N	Sheet No:	3



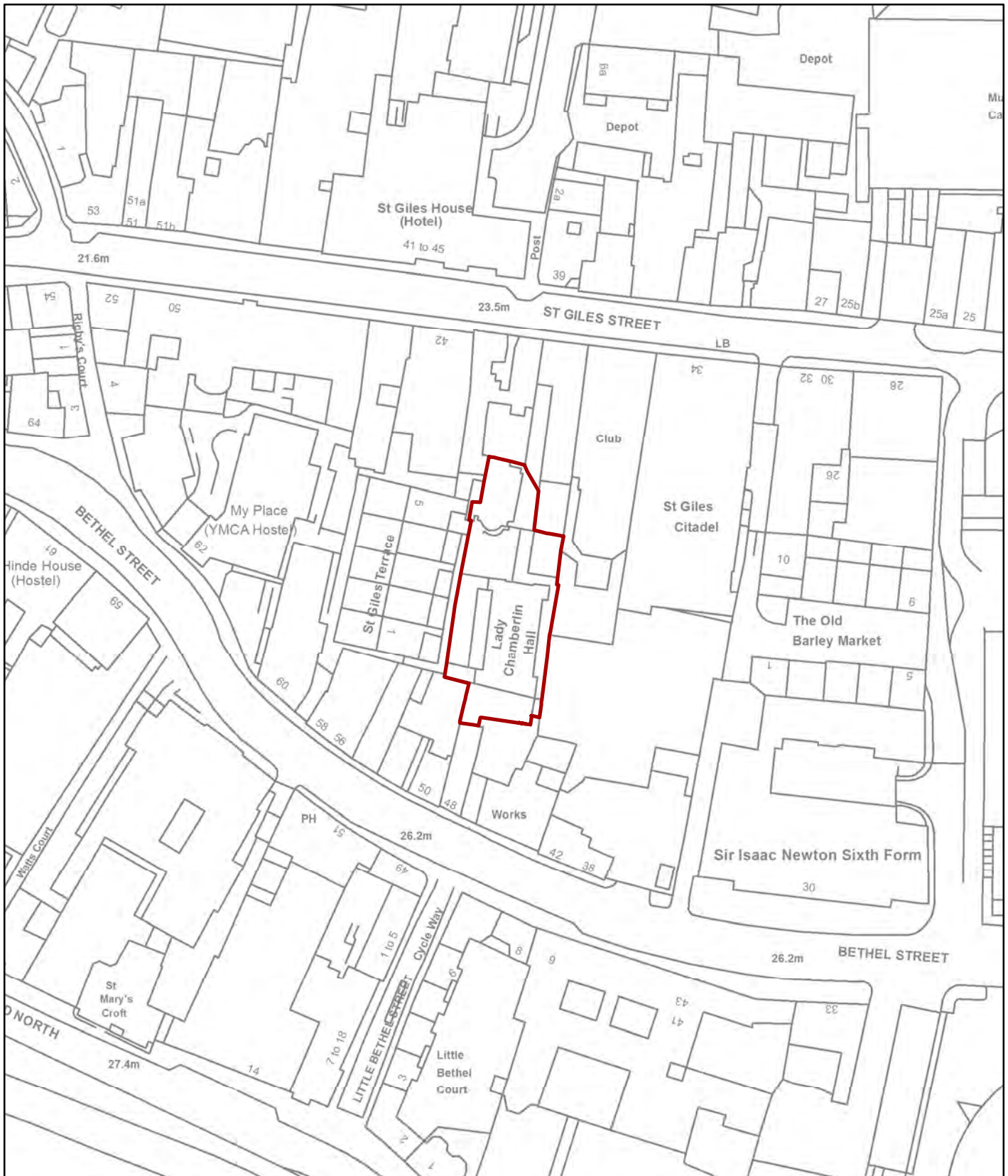
**Report to** Planning applications committee  
 8 August 2019  
**Report of** Head of planning services  
**Subject** Application nos 19/00301/F & 19/00302/L - 38A St Giles Street Norwich NR2 1LL  
**Reason for referral** Objections

Item

4(c)

Ward	Mancroft	
Case officer	Lara Emerson - <a href="mailto:laraemerson@norwich.gov.uk">laraemerson@norwich.gov.uk</a>	
Applicant	Ms Sarah Blyth, Chestnut Nursery School	
Development proposal		
Remove existing extract system and tie bracket and installation of plate axial fan in fan box. Installation of external condensing unit.		
Representations		
Object	Comment	Support
2	0	0

<b>Main issues</b>	<b>Key considerations</b>
1. Design & heritage	Impact on listed building.
2. Amenity	Odour, noise.
<b>Expiry date</b>	21 June 2019
<b>Recommendation</b>	Approve



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Planning Application No 19/00301/F & 19/00302/L  
 Site Address Chestnut Nursery School  
 38A St Giles Street  
 Scale 1:1,000

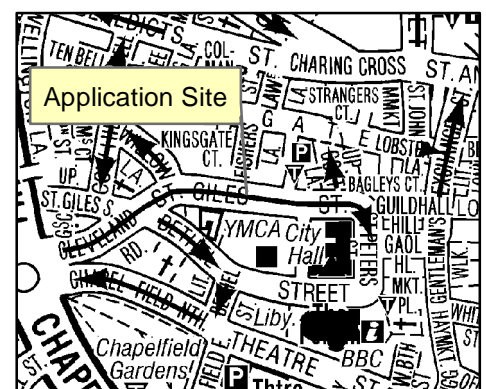


**NORWICH**  
**City Council**

**PLANNING SERVICES**



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## The site, surroundings & constraints

1. The site is in use as a children's nursery and is accessed from St Giles Street within the city centre. This part of the site is just visible from Bethel Street, through an archway and yard.
2. 48 Bethel Street is Grade II listed.
3. The site sits within the City Centre Conservation Area.

## Relevant planning history

Ref	Proposal	Decision	Date
4/1989/0581	Change of use from auction rooms to nursery (Class D1).	Temporary permission granted	22/08/1989
4/1991/0829	Continued use of premises as nursery (Class D1) originally granted in pursuance of a planning permission dated 22 August 1989 (app. no. 4890581/U).	Approved	05/12/1991
4/1996/0764	Extension in height of existing kitchen extract flue.	Refused	08/05/1997

## The proposal

4. It is proposed within this application to replace a large metal flue with a small wall mounted box fan. The external flue appears to have been in place for a number of years. Following a report from neighbours, it became apparent that the building was curtilage listed (to 48 Bethel Street) and the flue did not benefit from listed building consent.
5. An air conditioning unit has also been installed beside the rear door to the nursery. This has been housed in a wooden box screen and is also the subject of this application.

## Representations

6. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. 2 letters of representation have been received citing the issues as summarised in the table below.

Issues raised	Response
There are better solutions for the placement of the flue (through the roof) and the air conditioning unit (inside the building).	See Main Issue 1: Design & heritage.
The nursery should not operate here.	The applications do not relate to the use of the premises, which is lawful by virtue of planning permission ref 4/1991/0829.
Enforcement action is required.	See paragraph 28
Numerous comments and complaints regarding the ownership of the land on which the air conditioning unit stands.	This is not a material planning issue. See paragraphs 24-27.



<b>Issues raised</b>	<b>Response</b>
The existing flue causes noise and odour issues to the neighbouring property, 48 Bethel Street.	These applications do not relate to the existing flue.
The kitchen of the nursery is very small and we don't believe it has ever needed a flue/ventilation of this scale.	This comment refers to the existing flue which is significantly larger than the fan which is proposed.
It is unreasonable to allow the applicant 3 years to undertake the works.	The recommended 3 year time limit (condition 1 on each recommended list of conditions) is standard practice. See paragraph 28 regarding proposed enforcement proceedings.
A wall plated fan would discharge kitchen air close to the windows and back door of 48 Bethel Street.	See Main Issue 2: Amenity.

### **Consultation responses**

7. Consultation responses are summarised below the full responses are available to view at <http://planning.norwich.gov.uk/online-applications/> by entering the application number.

### **Design and conservation**

8. Full comments can be read online, but the conclusion is that despite the less than desirable nature of the installations, it is suggested that the most judicious course of action would be to approve the application (subject to conditions), including 'informative' advice clarifying the extent to which the works have been approved.

### **Environmental protection**

9. Having received specifications and noise information sheets for the equipment, it appears that this is the same baffle filter that has been used previously and I have no record of odour complaints regarding the premises. Also, due to the small quantities of food cooked on the premises, this form of filtration should be fine. I am satisfied that its continued use will not result in a statutory nuisance providing it is regularly maintained.
10. From the noise data received, I would like a "time of use" condition to limit the use of the equipment to between the hours of 07:00 and 23:00 to be applied. This was previously discussed and verbally agreed during my visit to the premises.

### **Assessment of planning considerations**

#### **Relevant development plan policies**

11. **Joint Core Strategy for Broadland, Norwich and South Norfolk adopted March 2011 amendments adopted Jan. 2014 (JCS)**
- JCS2 Promoting good design
  - JCS7 Supporting communities
12. **Norwich Development Management Policies Local Plan adopted Dec. 2014 (DM Plan)**

- DM1 Achieving and delivering sustainable development
- DM2 Ensuring satisfactory living and working conditions
- DM3 Delivering high quality design
- DM9 Safeguarding Norwich's heritage
- DM11 Protecting against environmental hazards
- DM22 Planning for and safeguarding community facilities

### **Other material considerations**

#### **13. Relevant sections of the National Planning Policy Framework March 2012 (NPPF):**

- NPPF0 Achieving sustainable development
- NPPF1 Building a strong, competitive economy
- NPPF6 Delivering a wide choice of high quality homes
- NPPF7 Requiring good design
- NPPF12 Conserving and enhancing the historic environment

### **Case Assessment**

14. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Relevant development plan policies are detailed above. Material considerations include policies in the National Planning Policy Framework (NPPF), the council's standing duties, other policy documents and guidance detailed above and any other matters referred to specifically in the assessment below. The following paragraphs provide an assessment of the main planning issues in this case against relevant policies and material considerations.

#### **Main issue 1: Design & heritage**

15. Key policies and NPPF paragraphs – JCS2, DM3, DM9, NPPF paragraphs 9, 17, 56 and 60-66, 128-141.
16. The building to which these applications relate appears to be a former hayloft/cart-shed, which is likely associated with 48 Bethel Street (Grade II listed). This opinion is supported by historic mapping data, which shows a curtilage wall to the rear of the building, separating it from development fronting St Giles Street. The council has therefore concluded that the building is curtilage listed. The building is therefore a designated heritage asset and is within the Conservation Area, which is also a designated heritage asset.
17. When determining applications for planning permission that affect Listed Buildings, the Council has a statutory duty under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to 'have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it [the building] possesses'. In addition, because the site is in a Conservation Area, Section 72(1) of the same Act places a duty on the council to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area. Paragraph 193 of the NPPF states that 'great weight' should be given to preserving a heritage asset.

18. The existing unauthorised flue is in disrepair and is oversized for the small nursery kitchen that it serves. It was therefore suggested by officers that the current occupants should replace it with something smaller, causing less harm to the listed building and requiring less ongoing maintenance. The resultant proposal for a wall mounted fan reduces the harm caused to the listed building to a level that is acceptable.
19. An air conditioning unit (ACU) has also been installed on the ground beside the rear door to the nursery, again without consent. This has been housed in a wooden box which helps to screen the unit. It does not impact significantly on the appearance of the listed building.
20. The proposal to replace the flue reduces the harm to the appearance of the listed building to an acceptable level. The floor mounted ACU has a minimal impact on the historical interests of the building as it is not physically attached to it and is modest in scale and screened. Consequently, the application is acceptable in terms of its impact upon heritage assets.
21. **Main issue 2: Amenity**
22. Key policies and NPPF paragraphs – DM2, DM11, NPPF paragraphs 9 and 17.
23. By virtue of its size, and the infrequent and day time use of the nursery, the wall mounted fan and air conditioning unit are not expected to cause significant noise or odour disturbance to the residential occupants of 48 Bethel Street or any other nearby residents. This has been confirmed by the council's Environmental Protection Officer following consideration of the material submitted with the application.

## **Other matters**

### ***Land ownership***

24. One of the objectors to the scheme has raised issue with the ownership of the land on which the ACU stands.
25. The planning system entitles anyone to apply for permission to develop any area of land, irrespective of ownership. However, an applicant is required to notify owners of the land or buildings to which the application relates in accordance with article 13 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. When making an application, an applicant is required to sign a certificate confirming the ownership of the land to which the application relates and that the relevant notices have been served.
26. In this case, the applicant correctly served notice on the owners of the land prior to the submission of the applications.
27. The grant of planning permission does not confer any additional rights over land that did not exist prior to approval being granted. If, as the objector maintains, the ACU is not on the applicant's land then this is a civil matter that needs to be resolved between the parties and is not a material consideration in determining either the planning application or the application for listed building consent.



### ***Enforcement proceedings***

28. Since the existing flue is harmful to the character and appearance of the listed building, officers intend to informally agree a timescale for the installation of the proposed wall-mounted fan. Should this timescale not be met, officers would proceed with the service of a formal enforcement notice to require the works to be carried out within a specified compliance period.

### **Equalities and diversity issues**

29. There are no significant equality or diversity issues.

### **Local finance considerations**

30. Under Section 70(2) of the Town and Country Planning Act 1990 the council is required when determining planning applications to have regard to any local finance considerations, so far as material to the application. Local finance considerations are defined as a government grant or the Community Infrastructure Levy. Whether or not a local finance consideration is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms. It would not be appropriate to make a decision on the potential for the development to raise money for a local authority. In this case local finance considerations are not considered to be material to the case.

### **Conclusion**

31. The proposed works have minimal impact on the amenity of nearby residents and would lead to less than substantial harm to the listed building. This less than substantial harm is outweighed by the public benefit of supporting the operation of the children's nursery.
32. The development is in accordance with the requirements of the National Planning Policy Framework and the Development Plan, and it has been concluded that there are no material considerations that indicate it should be determined otherwise.

### **Recommendation**

To approve:

- (1) application no 19/00301/F, 38A St Giles Street Norwich NR2 1LL, subject to the following conditions:
1. Standard time limit;
  2. In accordance with plans;
  3. The equipment hereby approved shall not be operated between 23:00 and 07:00 on any day.
- (2) application no 19/00302/L, 38A St Giles Street Norwich NR2 1LL, subject to the following conditions:
1. Standard time limit;
  2. In accordance with plans;
  3. Damage to be made good;
  4. Localised repair to match;

5. Existing fabric to be retained;
6. Any historic features encountered to be retained and reported.

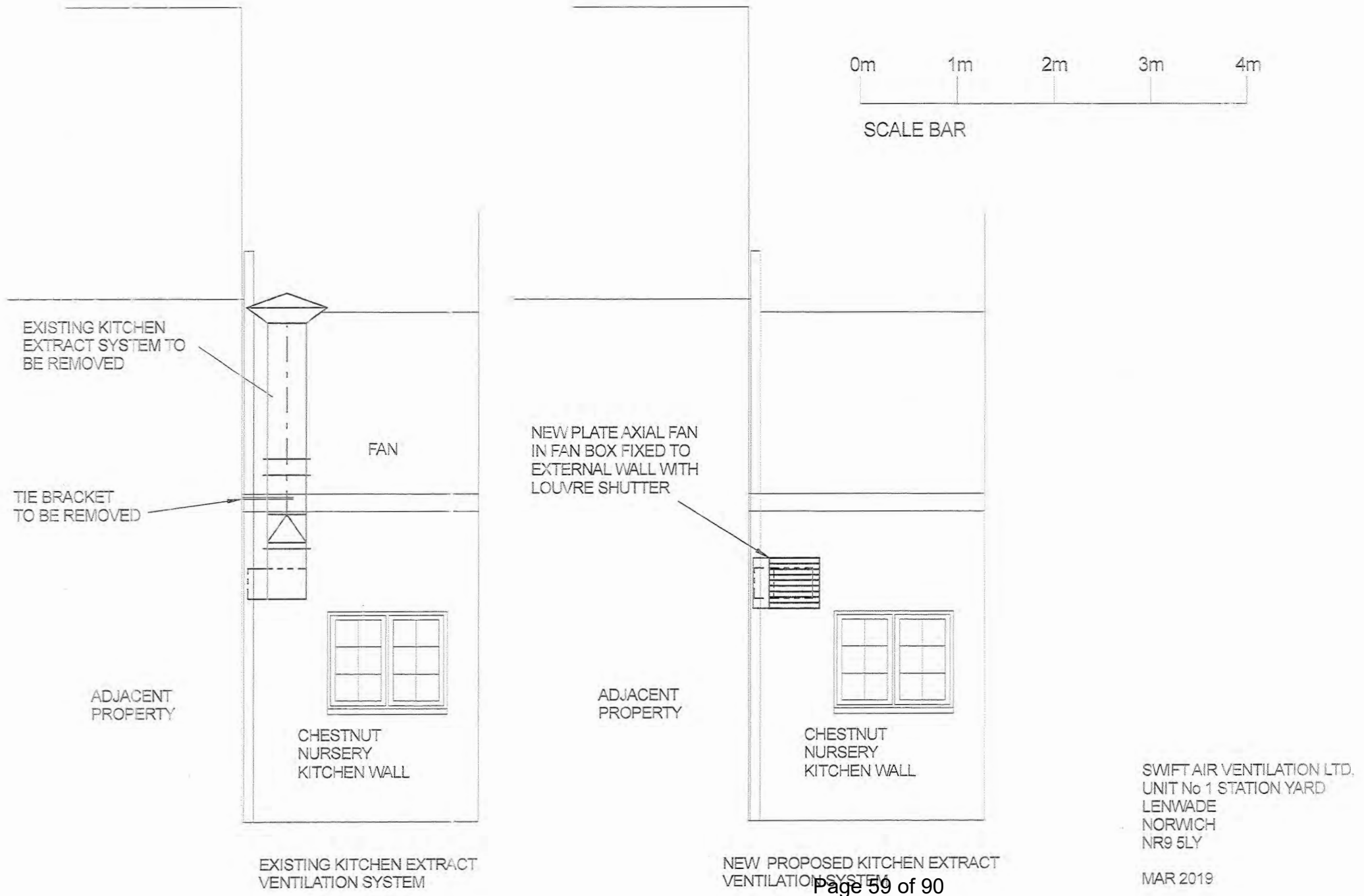
**Informatives:**

1. Only works shown are approved
2. Historic fabric to be retained

**Reason for grant of listed building consent:**

The proposal is minimally impactful upon the special character of this curtilage listed building and the host building.

# CHESTNUT NURSERY PROPOSED ALTERATIONS TO KITCHEN VENTILATION



**DAIKIN**

# Air Conditioning Technical Data

## RX-K



**Report to** Planning applications committee

**Item**

8 August 2019

**Report of** Head of planning services

**Subject** Application no 19/00383/F - 28 Cotman Road Norwich  
NR1 4AF

**Reason  
for referral** Objections

4(d)

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<b>Ward:</b>	Thorpe Hamlet
<b>Case officer</b>	Jacob Revell - <a href="mailto:jacobrevell@norwich.gov.uk">jacobrevell@norwich.gov.uk</a>

Development proposal		
Demolition of existing utility room and attached enclosure and construction of single storey front, rear and side extensions.		
Representations		
Object	Comment	Support
7	0	1

Main issues	Key considerations
1	Amenity impact
2	Impact on conservation area and design
3	Impact on trees
<b>Expiry date</b>	19 July 2019
<b>Recommendation</b>	Approve with conditions.



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Planning Application No 19/00383/F  
 Site Address 28 Cotman Road

Scale 1:1,000

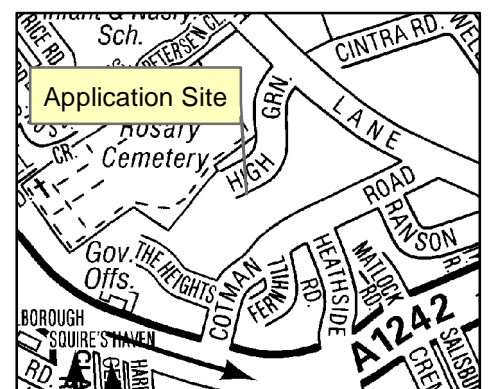


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## The site and surroundings

1. The site is located on Cotman Road, a quiet residential street within the Thorpe Ridge conservation area. The site is accessed by the road that leads to The Heights, north of Cotman Road. Typical of the topography of the area, the property is located at a higher level than the Cotman Road highway, due to the steep gradient of the land. As a result, the property is located behind and above nos. 32 and 34 Cotman Road. Number 34 Cotman Road is locally listed. Directly behind and above the property are nos.13 and 14 High Green. 36c Cotman Road is located to the northeast of the property.
2. The property itself is a moderately sized detached dwelling. The property was likely constructed in the early-mid 20<sup>th</sup> century and references the 'arts & crafts' style of architecture. The property is symmetrical, featuring a front facing gable and a pantile roof. There is an existing single storey flat roof extension on the north east elevation of the property. The materials are a mixture of red brick below and white render at a higher level, with external wooden beam detailing in a 'mock Tudor' style.

## Constraints

3. Conservation areas (Policy DM9 - Thorpe Ridge Conservation Area)

## Relevant planning history

4.

Ref	Proposal	Decision	Date
13/00361/TCA	T1 Beech: Crown thin by 20% and reduction by up to 2.5m	NTPOS	01/04/2013
16/00233/TCA	Beech (T1): Reduce crown by 2m.  Chestnut (T2 &T3): Reduce lateral branches by 3m and height by 2m.	NTPOS	25/02/2016
18/00899/TCA	T1-T6: Limes - Re-pollard to previous points.	NTPOS	18/07/2018

## The proposal

5. It should be noted that this is the second revision of this proposal. The proposal differs from the original in having an altered roof form, height and reduced overall footprint.
6. It is also worth noting that whilst the application states that this side extension is single storey, in reality it is more like one and half stories, owing its increased height to the mezzanine space in the roof. This point has been raised in a number of



objections. Whilst not as imposing as a true two-storey building, the extension is larger than a true single storey extension.

7. The proposal is for the removal of an existing structure to the side of the main dwellinghouse. The current structure is single storey, flat roofed, and in use as a utility/boot room: it is 2.4m tall and extends 6.2m from the wall of the dwellinghouse, with a width of 4.6m. The existing structure is partially recessed at the front by 1.2m x 3.3m. The attached enclosure to the east of the property is also proposed to be removed. The shed is 1.9m x 4.2m, and sits lengthways along the boundary wall.
8. The newly proposed extension on the east elevation is larger than the existing structure, extending approximately 11m out from the side of the original dwellinghouse. The extension is approximately 7.7m across at the side elevation. The proposed extension can be divided into two elements: a single storey corridor and a larger living space with an asymmetrical pitched roof. At the eaves to the rear, the taller element of the extension would be approximately 2.4m. The structure will have an asymmetrical roof that will slope away from the rear of the property, reaching a highest point at 5.6m, approx. 5.4m away from the rear elevation. The roof then slopes downwards over 2.3m, reaching an eaves height of 3.6m to the front elevation of the extension. The structure features glazed panels on the south facing (front) roof slope as well as large glass panels on the ground floor to the side and to the front. The remainder of the roof to the south and to the rear would be zinc with the walls to the rear and the remainder of the sides and front being clad in timber.
9. This larger element to the side extension only accounts for 5m of the total length of the extension outwards from the dwellinghouse. The remainder is made up by a single storey glazed corridor that infills the space between the dwellinghouse and the mezzanine. This structure is around 3.6m tall and stretches back to the retaining wall of the property.
10. The application further proposes the installation of a canopy/corridor to the rear of the property along the retaining wall and the construction of a new porch on the west elevation of the property. Both of these elements are considered acceptable and have not formed the basis of any representations.

## Representations

11. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. 8 letters of representation have been received. 1 in support and 7 in objection, citing the issues as summarised in the table below. Representations are available to view at <http://planning.norwich.gov.uk/online-applications/> by entering the application number.

Issues raised	Response
Amenity impact <ul style="list-style-type: none"><li>• Impact on view from neighbouring gardens</li><li>• Overlooking</li><li>• Blocking light</li><li>• Shading</li></ul>	See main issue 1.



Issues raised	Response
Impact on conservation area and design <ul style="list-style-type: none"> <li>• Precedent for tall buildings and disjointed skyline.</li> <li>• Overly dominant.</li> <li>• Impact on 'ambience' of area.</li> <li>• Out of scale for area.</li> <li>• Impact on skyline.</li> <li>• Out of character with host dwelling.</li> <li>• Disjointed nature of design.</li> </ul>	See main issue 2.
Impact on trees <ul style="list-style-type: none"> <li>• Impact on mature beech</li> </ul>	See main issue 3.
Impact on retaining wall	See Other Matters.

## Consultation responses

10. Consultation responses are summarised below the full responses are available to view at <http://planning.norwich.gov.uk/online-applications/> by entering the application number.

12. Consultee: NCC - Ecology

Comments: The proposed demolition of the utility room and boot room does not raise significant concerns in terms of the impact upon biodiversity. Given that the building is in use and has a flat roof it is considered to have a low potential as a bat roost.

It is positive to note that the D&A states that the development would include the erection of a bat box, bird boxes (to include swift nest sites), a sedum roof and additional hedging.

I would however ask that the following is attached to any decision;

BI3 Bird Nesting Season  
BI4 Small mammal access

IN9 Site Clearance and Wildlife

13. Consultee: NCC – Tree Officer

Comments: The success of this proposal will only be realised if the recommendations contained within the AIA are fully implemented. The loss of trees, and their subsequent replacement is acceptable. The key consideration of this application, however, is the management/protection of, the cat A beech (T2). Applying the following conditions would be extremely useful in order to ensure that the beech is unharmed/successfully retained:

- TR3 Site monitoring
- TR4 Arb supervision
- TR6 Arb works to facilitate development
- TR10 No-dig
- TR12 Planting

14. Consultee: NCC – Urban Conservation and Design

Comments: This is not an application that I intend to provide conservation and design officer comments on because it does not appear on the basis of the application description to require our specialist conservation and design expertise. This should not be interpreted as a judgement about the acceptability or otherwise of the proposal.

## Assessment of planning considerations

### Relevant development plan policies

15. **Joint Core Strategy for Broadland, Norwich and South Norfolk adopted March 2011 amendments adopted Jan. 2014 (JCS)**
- JCS2 Promoting good design
16. **Norwich Development Management Policies Local Plan adopted Dec. 2014 (DM Plan)**
- DM1 Achieving and delivering sustainable development
  - DM2 Ensuring satisfactory living and working conditions
  - DM3 Delivering high quality design
  - DM6 Protecting and enhancing the natural environment
  - DM7 Trees and development
  - DM9 Safeguarding Norwich's heritage

### Other material considerations

17. **Relevant sections of the National Planning Policy Framework March 2012 (NPPF):**
- NPPF2 Achieving sustainable development
  - NPPF12 Requiring good design
  - NPPF15 Conserving and enhancing the natural environment
  - NPPF16 Conserving and enhancing the historic environment

### Case Assessment

18. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Relevant development plan policies are detailed above. Material considerations include policies in the National Planning Framework (NPPF), the Councils standing duties, other policy documents and guidance detailed above and any other matters referred to specifically in the assessment below. The following paragraphs provide an assessment of the main planning issues in this case against relevant policies and material considerations.

## **Main issue 1: Amenity**

19. Key policies and NPPF paragraphs – DM2, DM3, NPPF12.
20. It is especially important to consider the geography of the site when considering amenity concerns. Due to the steep gradient of the hill on which the dwellinghouse is built, the site is located below the properties to the north on High Green and above the properties to the south on Cotman Road. It is estimated that the garden of 13 High Green to the rear of the application site is 2.25m higher than the ground level on the application site. As a result, the direct amenity impact of the proposal is significantly reduced when compared to how the same proposal would impact upon a level surface.
21. The principle amenity concern is the impact that the development will have on the neighbour rear at 13 High Green, located directly to the rear of the site. These concerns can be broken down into two main issues: over-bearing and overshadowing and the impact upon, first of all, the garden and secondly the house at 13 High Green.
22. The retaining wall that separates the application site from 13 High Green is approximately 1.35m tall, with an additional 0.9m of height added by the space in which hedges grow north of the wall, resulting in a total difference in levels between the site and the garden to no. 13 of 2.25m (see above). This means that the impact of the property on the garden to the rear is largely caused by the roof of the proposed development because the rear eaves level is 2.4m.
23. From the rear eaves, the roof will slope upwards to a ridge height of 5.6m above the site level. Therefore, the height of the roof will extend 3.2m above eaves level and will slope away from the garden of no.13. The roof will reach its highest point approximately 5.4m away from the rear wall of the extension and the boundary with no. 13.

### **Impact upon garden at 13 High Green**

24. The garden at 13 High Green is approximately 9.5m long when measured from the rear of the house on the plot. With this considered alongside the relatively gradual slope of the roof of the proposed development away from 13 High Green, it is not considered that the proposal (of which 3.35m will be visible from the rear garden) will be overbearing on the neighbouring garden or dwelling.
25. A shadowing report submitted on behalf of the residents at no. 13 states that the extension would cause full shading to the garden and patio doors of 13 High Green until after 10am during the months of November, December and January, with partial shading in October and February. The report acknowledges that there will not be an increase in shadowing as a result of the development for the remainder of the year through the summer months. It should be noted that this report was conducted (to quote the author) 'without access to specialist architectural software for calculating the casting of shade' and is based on estimates.
26. In response, the applicant has commissioned an independent shadowing/daylight report.
27. With regards to shadowing, the results of the independent report are not dissimilar to that submitted by the objector. This report indicates that the development will

cast shadow on the neighbouring dwelling during December, January and February, but that this will be limited only to the first 1 – 2 hours of daylight. For example, in January, the garden would be in shadow between the hours of 8am and 10am. The report also suggests that there will be no increase in shadowing caused by the development for the remainder of the year. The applicant's report concludes that due to the limited period per year in which this shadowing happens the impact is negligible, especially when the shadowing report is considered in conjunction with the conclusions of their daylight report.

28. With regards to the information submitted in both reports, it is concluded that the impact of the proposed development by means of overshadowing is non-material. Whilst it is acknowledged that there will be a degree of impact caused by shadowing to the garden of 13 High Green, the impact is considered acceptable due to the limited time frame in which the overshadowing would occur.

### **Loss of light to house at 13 High Green**

29. The daylight report submitted by the applicant suggests that there will be minimal impact on the house at 13 High Green in terms of reduced daylight. However, it should be acknowledged that there is some loss of daylight to the ground floor kitchen windows during the winter months, in which the Annual Probable Sunlight Hours (APSH) will drop from 60% to 40.5%. The minimum acceptable level recommended by the Building Research Establishment (BRE) is 27%. The other windows in the property will not see a reduction in direct sunlight. The report finds that there will be no difference in Vertical Sky Component (VSC), or No-sky Line (NSL). The report concludes that 'the development will have a negligible effect on the existing properties and well within the guidance on daylight/sunlight provided by the BRE'. Again, whilst it is acknowledged that there will be some loss of light to the ground floor kitchen windows, this is loss considered to be at an acceptable level.
30. Concerns have also been raised at the loss of outlook from 13 High Green. Loss of outlook, unless it results in an oppressive and over-bearing relationship between the affected properties, is not a material consideration. For the reasons outlined above, the relationship between the proposed extension and 13 High Green is not considered to be either oppressive or over-bearing.

### **Impact upon other properties**

31. There have been some concerns raised about overlooking to the surrounding properties. The proposed extension features a large amount of glass, including in the roof of the larger element of the proposal. The raised nature of the extension has invoked concerns about overlooking into the gardens at 32 and 34 Cotman Road, properties to the immediate south of the site. However, due to the distance between the proposed extension and these properties (approximately 9m from the boundary and 30m from the rear wall to no. 32), as well as the steep gradient of the land that separates the properties topographically, it is not considered that a harmful level of overlooking would be possible from the development. The overlooking at a ground floor level into the garden of 36c Cotman Road is not considered as an increase to the current level of overlooking from the garden.
32. Concerns have also been raised over the loss of outlook from properties at 12 and 11 High Green, to the north-east of the site. Due to the relative distance of these properties from the site, the proposal is not considered overbearing in relation to the

gardens of these properties. Further, the impact on private views from neighbouring gardens is not a material planning concern and this has consequently not been considered in assessing the impact of the development.

## **Main issue 2: Design and Impact on Conservation Area**

33. Key policies and NPPF paragraphs – DM3, DM9, NPPF16.
34. The site is located within the Thorpe Ridge Conservation Area. When determining applications for planning permission that affect a Conservation Area, Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on the council to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area. Paragraph 193 of the NPPF states that 'great weight' should be given to preserving a heritage asset.
35. Within the Thorpe Ridge Conservation Area there is no great consistency to the styles of architecture in the area. Rather, the conservation area appraisal highlights that the area offers a good example of 'the diversity of building design and materials prevalent from the mid-19th to the late 20th centuries'. The property itself is a pleasant example of early 20<sup>th</sup> century housing, symmetrical with pantile roofing, render and red brick. There is no particular continuity between the building and its immediate neighbours – with the properties below on Cotman Road being considerably older and the properties above on High Green being considerably newer.
36. A number of objections have raised concerns that the development is not in keeping with the conservation area and would impact upon the character of the area by disrupting the skyline and setting a precedent for taller extensions in the area. These objections cite the spaciousness of the area as something to be preserved.
37. The proposed development is clearly modern in design, and so reads separately to the host dwelling. However, the reduced scale ensures that the development would be distinctly subservient to the existing dwelling. Whilst criticisms of the scheme have highlighted the spaciousness of the conservation area as something that has to be maintained, it is considered that the site is suitably large to host an extension of this scale, particularly bearing in mind that the site already accommodates domestic outbuildings and extension.
38. In terms of the additional height of development over and above what is there at the moment, it is undoubtedly taller but the development will not be visible from any public viewing points. Due to the hill on which the properties are built, the extension will not be visible from below along Cotman Road. Even when visible from private gardens, the structure is considerably smaller than the host dwelling and neighbouring properties.
39. The design of the extension is considered to be of high quality. The applicant has indicated the use of high quality materials throughout. Zinc and timber cladding are expected to age well. Exact details of these materials will be secured by condition.
40. Taking into account the preceding assessment, the proposed extension is not considered to cause harm to the conservation area and preserves its character.

### **Main issue 3: Impact on surrounding trees**

41. Key policies and NPPF paragraphs – DM6, DM7, NPPF15
42. A number of objections have expressed concern over the potential impact of the development on the large Beech Tree to the immediate east of the development, which sits on the border to 36c Cotman Road. The applicant has responded by reducing the footprint of the proposal so that it is now approximately 1.5m away from the root spread of the Beech.
43. Norwich City Council's Tree Officer has confirmed that the tree will not be impacted by the development as long as the measures outlined in the AIA are fully implemented. Other proposed works to trees and greenery have also been confirmed as satisfactory. Conditions can be attached to ensure the works are carried out in accordance with the submitted documents.

### **Other matters**

44. Neighbours have raised issues regarding the maintenance of the retaining wall between the application site and 13 High Green if the development is built. The agent has stated that a civil engineer will survey the retaining wall and recommend any structural changes or maintenance required at the Building Control stage of the development. However, these are civil matters to be addressed under the Party Wall etc. Act 1996 and are not material planning considerations.
45. The ecology consultation comments recommend that conditions relating to bird nesting and small mammal access are included any future consent. It is noted that bird nests are already protected by the Wildlife and Countryside Act 1981. Further, there are no boundary treatments specifically referred to in this application, so small mammal access is not considered as a necessary condition in this instance.

### **Equalities and diversity issues**

46. There are no significant equality or diversity issues.

### **Local finance considerations**

47. Under Section 70(2) of the Town and Country Planning Act 1990 the council is required when determining planning applications to have regard to any local finance considerations, so far as material to the application. Local finance considerations are defined as a government grant or the Community Infrastructure Levy.
48. Whether or not a local finance consideration is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms. It would not be appropriate to make a decision on the potential for the development to raise money for a local authority.
49. In this case local finance considerations are not considered to be material to the case.

## **Conclusion**

50. The development is in accordance with the requirements of the National Planning Policy Framework and the Development Plan, and it has been concluded that there are no material considerations that indicate it should be determined otherwise.
51. The design is considered acceptable and will not have a significant impact on the character of the conservation area.
52. There is not considered to be a significant impact on neighbouring amenity by means of overshadowing, overlooking, loss of light or overbearing.
53. The proposal subsequently meets the criteria outlined within policies DM1, DM2, DM3, DM6, DM7 and DM9 of the Norwich Development Management Policies Local Plan and NPPF2, NPPF12, NPPF15 and NPPF16 of the National Planning Policy Framework.

## **Recommendation**

To approve application no. 19/00383/F - 28 Cotman Road Norwich NR1 4AF and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Details of materials, rainwater goods;
4. TR3 – Site Monitoring
5. TR4 – Arboricultural Supervision
6. TR6 – Arboricultural works to facilitate development
7. TR10 – No digging
8. TR12 – Planting
9. IN9 – Site clearance and wildlife.



**WEST ELEVATION**



**EAST ELEVATION**

Asymmetrical roof, lowered ridge line and reduced pitch against the boundary with 13 High Green



Revisions. A ELEVATIONS REVISED MAY 2019

Project: 28 COTMAN ROAD, NORWICH, NR1 4AF	Drawing: PROPOSED EAST AND WEST ELEVATIONS			<b>mcArthur tring architects llp</b> 140 Thorpe Road Norwich Norfolk NR1 1 RH <b>Page 72 of 90</b> tel 01603 766 750 mail@mcArthurtring.co.uk www.mcArthurtring.co.uk
Client: Catherine Attridge, Suzanne Orr	Scale: 1:100 @ A3	Drg no: 2018/326: PO3A	Date: MARCH 2019	



**28, Cotman Road, Norwich, Norfolk, NR1 4AF**



Site Plan shows area bounded by: 624465.3, 306239.03 624695.3, 306409.03 (at a scale of 1:1250), OSGridRef: TG2458 833. The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.

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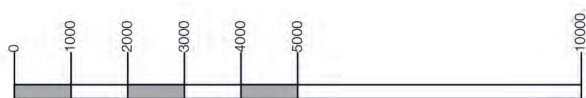
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SOUTH ELEVATION

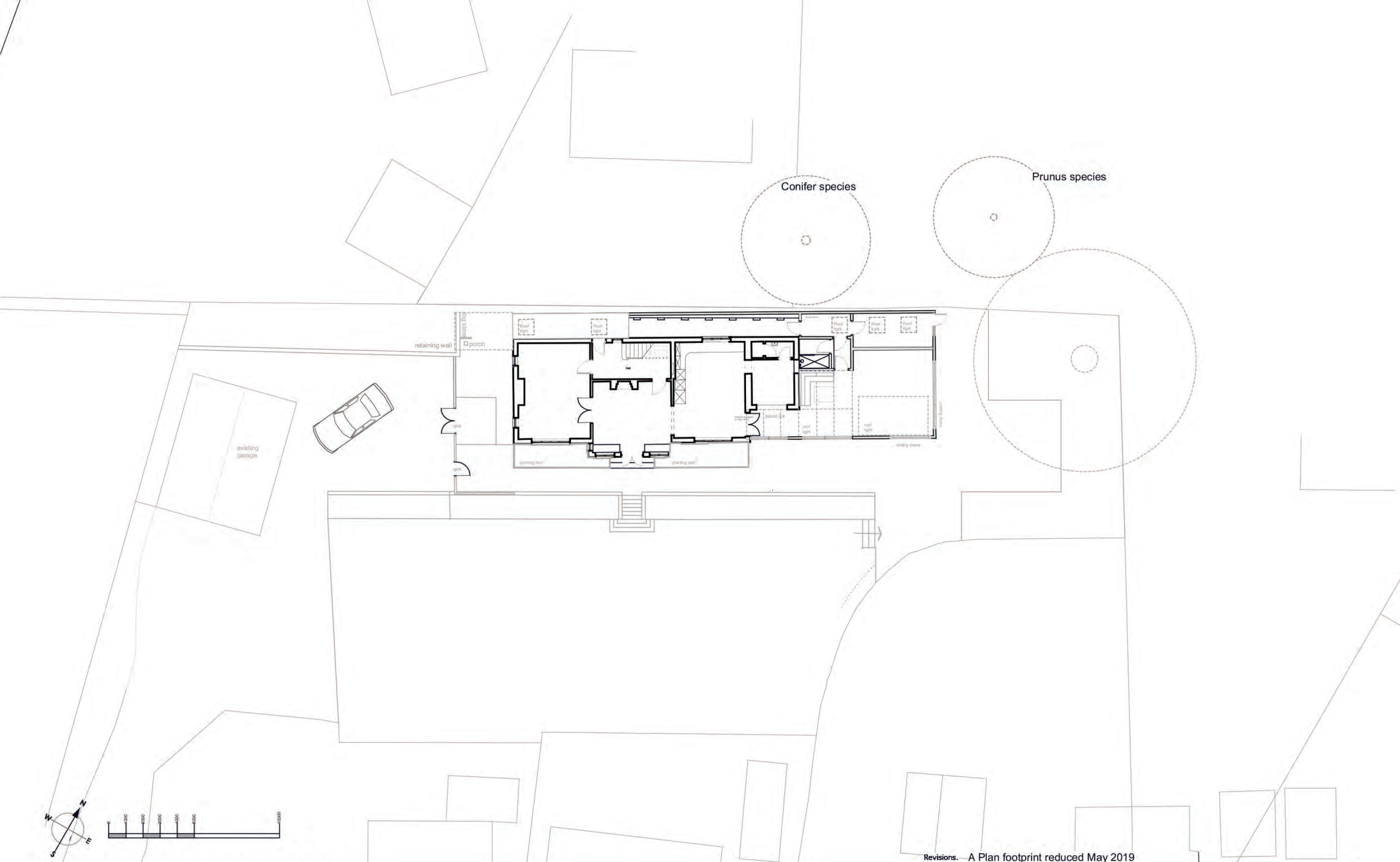


NORTH ELEVATION



Revisions. A ELEVATIONS REVISED MAY 2019

Project: 28 COTMAN ROAD, NORWICH, NR1 4AF	Drawing: Proposed South and North elevations			<b>mcarthur tring architects llp</b> 140 Thorpe Road Norwich Norfolk NR1 1 RH tel 01603 766 750 mail@mcarthurtring.co.uk www.mcarthurtring.co.uk
Client: Catherine Attridge, Suzanne Orr	Scale :1:100 @ A3	Drg no: 2018/326 : PO4A	Date: May 2019	



Revisions: A Plan footprint reduced May 2019

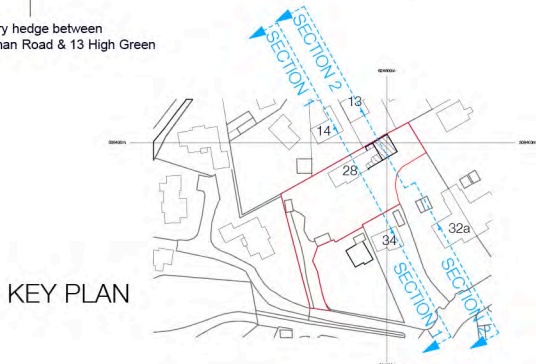
Project: 28 COTMAN ROAD, NORWICH, NR1 4AF	Drawing: Proposed plan	mcarthur tring architects llp 140 Thorpe Road Norwich Norfolk NR1 1RH tel 01603 766 750 mail@mcarthurtring.co.uk www.mcarthurtring.co.uk		
Client: Catherine Attridge, Suzzane Orr	Scale: 1:200@ A3	Drg no: 2018/326 ; P01A	Date: MARCH 2019	Page 75 of 90



SECTION 1 : EAST ELEVATION SECTION 34 COTMAN ROAD TO 14 HIGH GREEN



SECTION 2 : EAST ELEVATION SECTION 32a COTMAN ROAD TO 13 HIGH GREEN



Project: 28 COTMAN ROAD, NORWICH, NR1 4AF		Drawing: SITE SECTIONS		mcarthur tring architects llp 140 Thorpe Road Norwich Norfolk NR1 1 RH	
Client: Catherine Attridge, Suzanne Orr		Scale: 1:150@A3	Drg no: 2018/326 : P06	Date: APR 19	Page 76 of 90
				tel 01603 766 750	mail@mcarthurtring.co.uk www.mcarthurtring.co.uk



**SOUTH ELEVATION**

2018/326 : P02A



**EAST ELEVATION**

Asymmetrical roof, lowered ridge line and reduced pitch against the boundary with 13 High Green



**Report to** Planning applications committee

**Item**

8 August 2019

**Report of** Head of planning services

**Subject** Application no 19/00851/F; 9 Weatherby Road, Norwich  
NR5 9NH

**Reason  
for referral** Objections

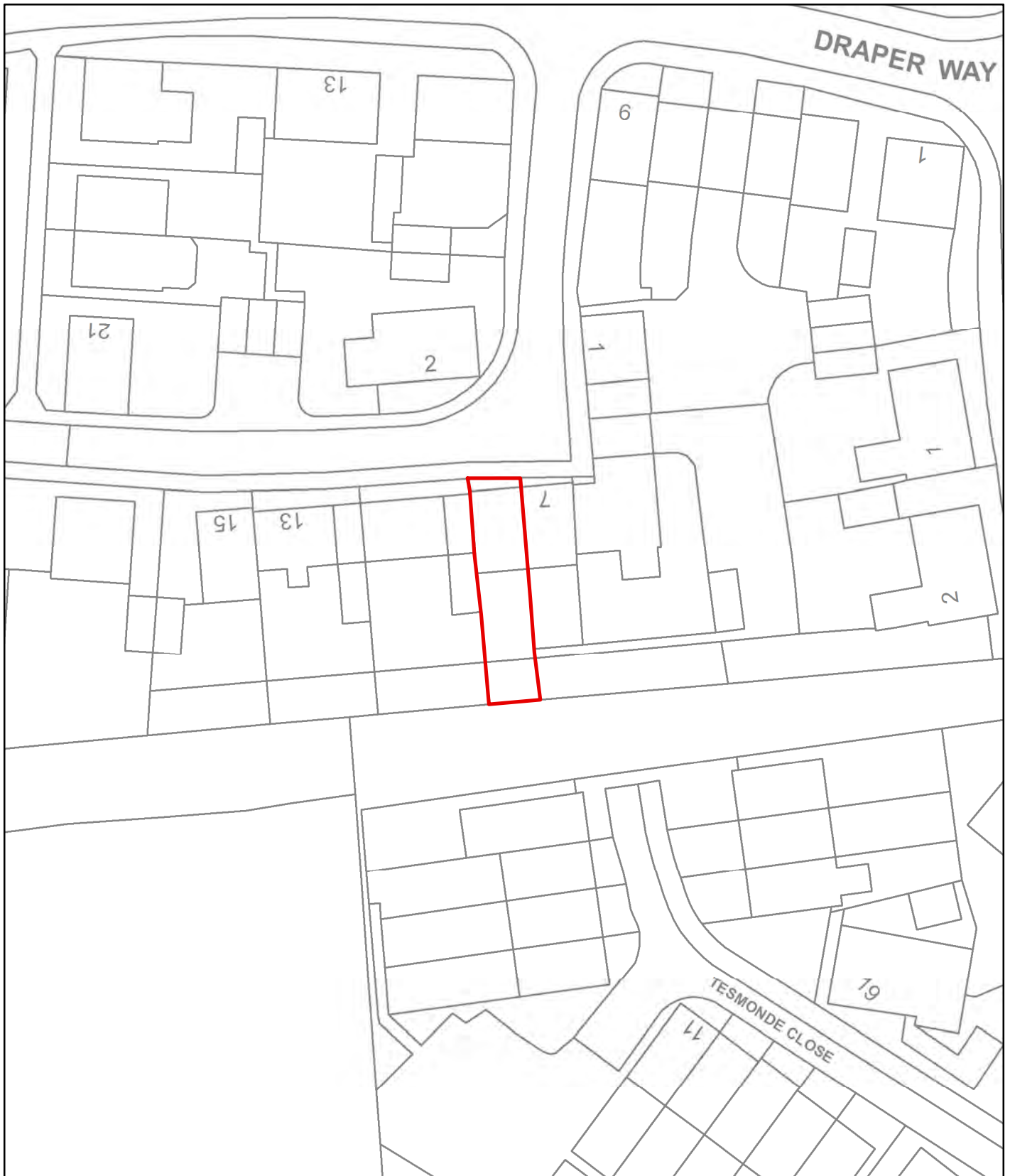
4(e)

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<b>Ward:</b>	Bowthorpe
<b>Case officer</b>	Stephen Little - <a href="mailto:stephenlittle@norwich.gov.uk">stephenlittle@norwich.gov.uk</a>

Development proposal		
Single storey rear extension, dormer roof extension		
Representations		
Object	Comment	Support
7	0	0

Main issues	Key considerations
1 Design, scale and form	The visual impact on character of the area
2 Residential Amenity	Overlooking and/or overshadowing to neighbouring properties
<b>Expiry date</b>	21 August 2019
<b>Recommendation</b>	Approve subject to conditions



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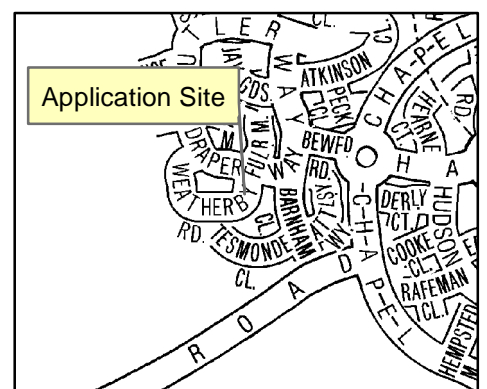
Planning Application No 19/00851/F  
 Site Address 9 Weatherby Road

Scale 1:500



**NORWICH**  
 City Council

PLANNING SERVICES





## The site and surroundings

1. The subject property is a family house situated on the south side of Weatherby Road, a residential street 6km west of the city centre toward the edge of the urban area. It is a modern two-storey terraced dwelling with rendered walls and red-tiled roof.
2. The houses in the area, though constructed as one development (permission 4/2001/0671/F, granted in 2002) and sharing many stylistic similarities, do vary in form and finish with, for instance, two and three storey detached and terraced properties, finished in varying shades of brick and render in a relatively irregular layout.
3. The subject property is a two-storey rendered dwelling with a red tiled roof. It has a rear garden 12m long, and a 1m-wide gravel strip to the front. The rear garden is accessed by a shared path which runs to the rear of nos.5 & 7. A strip of trees lies to the south of the gardens, also extending further to the west of the subject property.
4. No.7 to the east is of a largely matching design to no.9 while no.5, to the east of that, forms a larger corner property. Further to the east is a shared parking area including a designated space for no.9. No.7 has a downstairs living room window approx. 0.75m from the boundary and has glazed double patio doors toward the other side of the property. There is a 1.75m fence along the boundary of the two properties.
5. The subject property is adjoined at first floor level to no.11 to the west. A 2.6m wide covered driveway/passage, leading to a paved area to the rear, separates the ground floors of the two properties.

## Constraints

6. Permitted development rights for enlargements to these properties were removed as a condition of the original planning consent for these houses (4/2001/0671/F), on the grounds that: "The alteration of the premises within permitted development limits could adversely affect the amenity of nearby residents".

## Relevant planning history

Ref	Proposal	Decision	Date
4/2001/0671/F	Development for 55 dwellings	APPR	28/8/02
4/2002/0956/D	Details for Condition 07: Landscaping for previous permission 4/2001/0671/F	APPR	13/11/02

## The proposal

7. The proposal is to construct a rear ground floor extension covering almost the full width of the property (it is set back from the boundary with no.7 by 10cm). It will have a shallow lean-to roof with four panes of glazed bi-fold doors opening to the rear.
8. A dormer with two rear-facing windows will be added to the rear roof to create a bedroom on the second floor. Two roof windows (0.7x0.65sq.m) will be added to the front roof.
9. NOTE: the plans have been amended since the consultation, with the originally proposed garage in the parking area being removed from the plans.

Proposal	Key facts
<b>Scale</b>	
Total floorspace	Ground floor extension: 18.4sq.m 2 <sup>nd</sup> floor area facilitated by dormer: 24.2sq.m (dormer area: 7.4sq.m)
Max. dimensions	Ground floor extension: 4m long x 4.6m wide; 3.4m max height (2.45m to eaves). Dormer: projects outward and upward from roof by 2.5m (0.3m from first floor eaves); 4.1m wide.
<b>Appearance</b>	
Materials	Extension: brick; concrete roof tiles to match; white uPVC or aluminium windows/doors. Dormer: weather boarding cheeks; white uPVC windows.

## Representations Received

10. Adjacent and neighbouring properties have been notified in writing. Seven letters of representation have been received responding to the original plans (which also proposed a garage in the parking area) citing the following issues:

Issues Raised	Response
Loft extension: loss of privacy, over-looking to neighbouring properties and to properties to the rear.	See main issue 2
Loft extension: out of keeping with terraced block.	See main issue 1

Issues Raised	Response
Rear extension: overbearing and out of proportion to houses. It adds 50% to the depth of the property.	See main issue 1
Rear extension: Development leaves little outdoor space available.	See main issue 2
Rear extension: loss of privacy. It extends for 4m of the 6.7m length of the neighbouring garden, leading to sense of 'looming'.	See main issue 2
Rear extension: overshadowing and loss of natural light & outlook for neighbouring property. Pitch roof is double the height of the current border fence. The extension will block view of green trees.	See main issue 2
Impact of building works: only access to property is down a narrow shared alley; access for vehicles will be affected.	See other issues
Extension will require footings which will incur into neighbouring property. This will limit opportunities to develop the neighbouring property.	See other issues
Expansion of property may increase occupation of property and put additional pressures on local amenities eg parking.	See other issues
Contrary to statement on application form, there are trees in adjoining properties which are within falling distance of the development	See other issues
Loss of potential habitat for wildlife.	See other issues
<i>NOTE: many comments were also received regarding the originally proposed garage, which has now been removed from the plans. Of the seven objections, two were only concerned with the garage and raised no objection to the extension or dormer.</i>	

## Consultation responses

11. None.

## Assessment of planning considerations

### Relevant development plan policies

12. **Joint Core Strategy for Broadland, Norwich and South Norfolk adopted March 2011 amendments adopted Jan. 2014 (JCS)**
- JCS1 Addressing climate change and protecting environmental assets

- JCS2 Promoting good design

**13. Norwich Development Management Policies Local Plan adopted Dec. 2014 (DM Plan)**

- DM1 Achieving and delivering sustainable development
- DM2 Ensuring satisfactory living and working conditions
- DM3 Delivering high quality design

**Other material considerations**

**14. Relevant sections of the National Planning Policy Framework March 2012 (NPPF):**

- NPPF2 Achieving sustainable development
- NPPF12 Achieving well-designed places

**Case Assessment**

15. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Relevant development plan policies are detailed above. Material considerations include policies in the National Planning Framework (NPPF), the Councils standing duties, other policy documents and guidance detailed above and any other matters referred to specifically in the assessment below. The following paragraphs provide an assessment of the main planning issues in this case against relevant policies and material considerations.

**Main issue 1: Design, scale and form**

16. Key policies and NPPF paragraphs – JCS2, DM3, NPPF paragraphs 8, 127-131.
17. At 4m in length, the ground floor extension is a fairly standard length for an addition to a property of this type and an extension of this size could usually be considered as permitted development under prior approval (ie only amenity impacts could be considered, and only in the event of an objection from an adjoining neighbour).
18. While the garden is relatively small, the extension takes up approx one-third of the area and wouldn't, in usual circumstances, be considered as over-development of the plot. Its height is also relatively modest and, in appearance, it is clearly subservient to the host property. The proposed brick finish provides an appropriate contrast with the dwelling and is in keeping with other properties in the area. Given the variations in the form of properties in the area, the extension would not represent a notable departure.
19. The proposed dormer is also of a size appropriate for the property and, again, would normally comply with permitted development. It is well below the roof ridge (by 1m) and stops short (by 300mm) of extending to the first floor eaves. Boarding used for the cheeks, while contrasting with the dwelling, is an appropriate and commonly-used finish for dormers such as this.
20. Overall, the dormer and extension are acceptable in terms of design, scale and form.

## **Main issue 2: Residential Amenity**

21. Key policies and NPPF paragraphs – DM2, NPPF paragraph 127.
22. Given the removal of permitted development rights for these properties, in considering this proposal, we have to be particularly mindful that there are no specific aspects of this location which would accentuate potential negative impacts on neighbouring amenity. The presence of trees to the rear of the properties and their affect on light levels is one such factor to consider.
23. Overall, while the compact layout of these properties may provide good reason to object to more substantial extensions, the scale and height of this proposal is relatively modest.
24. For no.7 to the east, there will likely be some loss of direct sunlight toward the end of the day at certain times of year. However, the properties are south-facing and, in months when the sun is at a high enough trajectory to clear the trees to the south of the gardens, the rear ground floor of these houses would have no shortage of sunlight and the times when sun is blocked by the extension would be a relatively small proportion of the total. During months when the sun is lower, the extension would cause little loss of direct sunlight beyond that already caused by the trees. While overshadowing may be most noticeable for the garden, this is of limited materiality and, for the house itself, the double glazed doors which provide a good proportion of the light to the rear living area would be little affected
25. There will also be some loss of outlook for the rear of no.7, with the combination of trees and the extension potentially contributing to a 'closed' feel to the back garden. Any such effect though is unlikely to be acute enough to warrant refusal, particularly as overall levels of diffuse daylight are unlikely to be significantly affected. The issue of potential impact on views of trees, in itself, would not be a material consideration.
26. With the driveway/passage providing separation, there will be very little amenity impact on no.11 to the west.
27. In terms of overlooking, the view from the second floor dormer into the neighbouring garden(s) will be less direct than that currently possible from the first floor, particularly in relation to those areas immediately to the rear of neighbouring houses.
28. Regarding any potential for overlooking to properties to the rear/south, the trees are of a height roughly level with the first floor eaves/windows of the dwellings and provide effective screening, particularly in respect of views to ground level. The distance involved (approx 24m) also means this is unlikely to be a significant issue.
29. For current and future occupiers, the amenity of the subject property will be enhanced by increasing the capacity of the house and the creation of an attractive, modern living space. Overall, and for reasons given above, the proposals are acceptable in terms of amenity.

## **Other issues**

30. There is no specific aspect of the proposals to suggest that disruption during works will present any issue above that which would normally be expected with minor developments such as this.
31. Issues relating to footings or other boundary-related issues are dealt with through the party wall process and are not material to planning. There is no specific aspect to this development which is likely to restrict neighbouring development. Future plans for neighbouring properties, which may or may not be realised, are not a factor for consideration with this application.
32. The property is a family home, in C3 dwelling use, and not used as a House of Multiple Occupation. Such a minor development will not have a notable impact on parking or local amenities and, without a formal change of use, any such issues could not be considered material.
33. Though there are trees in adjoining properties, these are not close to the planned extension and will not be impacted.
34. This is a minor development being constructed largely on a patio and mown grass area. While, as is common with such developments, there will be some impact on vegetation this, or loss of potential habitat, cannot be considered material or sufficient to require mitigating measures.

## **Equalities and diversity issues**

35. There are no significant equality or diversity issues.

## **Local finance considerations**

36. Under Section 70(2) of the Town and Country Planning Act 1990 the council is required when determining planning applications to have regard to any local finance considerations, so far as material to the application. Local finance considerations are defined as a government grant or the Community Infrastructure Levy.
37. Whether or not a local finance consideration is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms. It would not be appropriate to make a decision on the potential for the development to raise money for a local authority.
38. In this case local finance considerations are not considered to be material to the case.

## **Conclusion**

39. While acknowledging that there will be some loss of light and outlook for the neighbouring property at no.7, any such impact is not considered significant enough to warrant refusal or to outweigh the positive aspects of the proposals. Given this, and for other reasons outlined above, the proposals are acceptable.
40. The development is sufficiently in accordance with the requirements of the National Planning Policy Framework and the Development Plan, and it has been

concluded that there are no material considerations that indicate it should be determined otherwise.

## **Recommendation**

To approve application no. 19/00851/F – 9 Weatherby Road, Norwich NR5 9NH and grant planning permission subject to the following conditions:

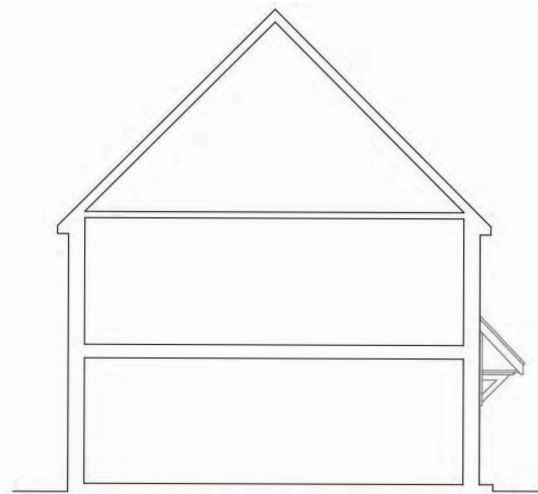
1. Standard time limit;
2. In accordance with plans.



FRONT/ NORTH ELEVATION

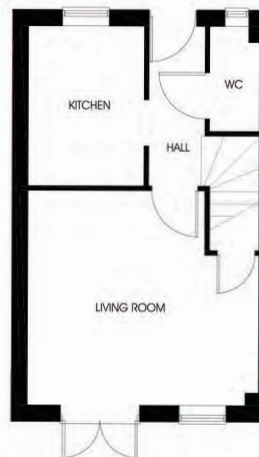


REAR/ NORTH ELEVATION



SECTION (TERRACE HOUSE, NO SIDE ELEVATIONS)

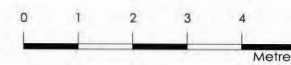
## EXISTING ELEVATIONS & PLANS



GROUND PLAN



1ST FLOOR PLAN

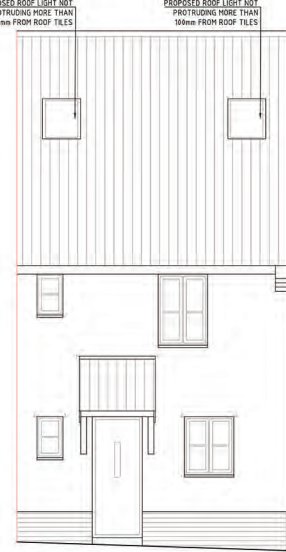


EXISTING SITE LOCATION PLAN 1:1250

REV. DATE DESCRIPTION  
**AD Architects**  
 30 ROBIN HOUSE NEWCOURT ST LONDON NW8 7AD  
 TEL 020 77229558 www.anglodesign.co.uk  
 11 CHARING CROSS NORWICH NR2 4AX  
 TEL 01 603 666576 mail@anglodesign.co.uk

JOB TITLE  
 9 WEATHERBY ROAD NORWICH  
 NR5 9NH  
 CLIENT  
 ANNA LEWINSKA-SZATAN  
 DWG STAGE  
 PLANNING  
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 DATE  
 JUN 19  
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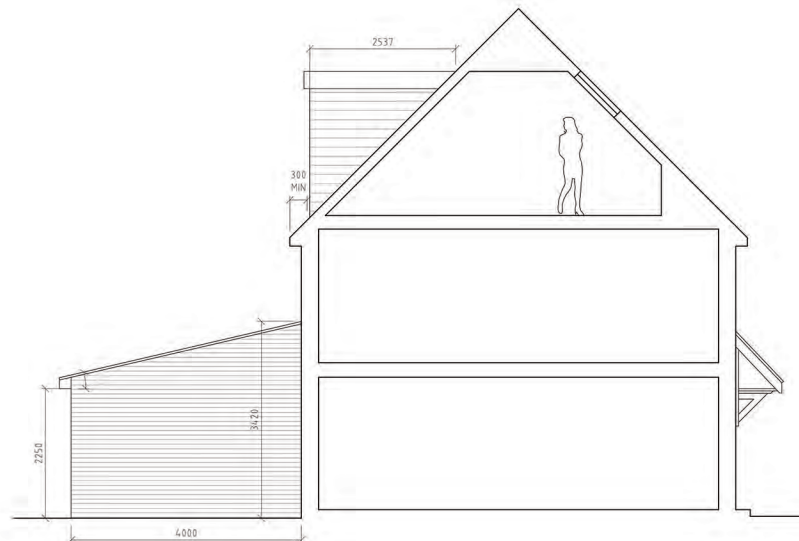




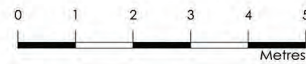
FRONT/ NORTH ELEVATION



REAR/ NORTH ELEVATION

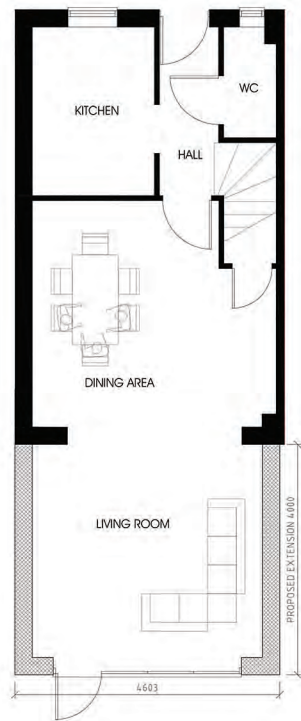


SECTIONAL SIDE ELEVATION



## PROPOSED ELEVATIONS & PLANS

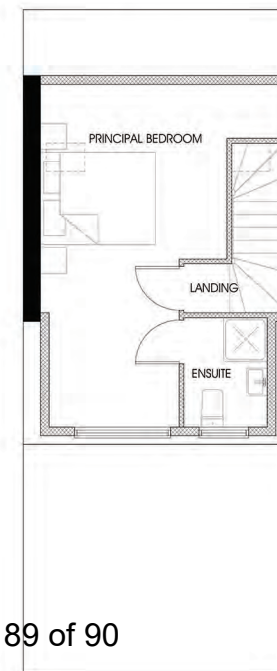
GROUND PLAN



1ST FLOOR PLAN



2ND FLOOR PLAN



SITE PLAN 1:200



EXISTING SITE LOCATION PLAN 1:1250

REV DATE DESCRIPTION  
**AD** **Architects**  
 30 ROBIN HOUSE NEWCOURT ST LONDON NW8 7AD  
 TEL 020 77229558 www.angladesign.co.uk  
 11 CHARING CROSS NORWICH NR2 4AX  
 TEL 01603 666576 mail@angladesign.co.uk

JOB TITLE  
 9 WEATHERBY ROAD NORWICH  
 NR5 9NH  
 CLIENT  
 ANNA LEWINSKA-SZATAN  
 DWG STAGE  
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